







CICERO DE OFFICIIS;

OR

HIS TREATISE

CONCERNING THE MORAL DUTIES OF MANKIND.

TO WHICH ARE SUBJOINED,

HIS MORAL PARADOXES;

THE

VISION OF SCIPIO,

CONCERNING A FUTURE STATE;

AND

HIS LETTER

ON

THE DUTIES OF A MAGISTRATE.

WITH NOTES HISTORICAL AND EXPLANATORY.

TRANSLATED BY WILLIAM GUTHRIE, ESQ.

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PREFACE.



THE following is a collection of uninspired knowledge the most extensively useful of any ever published. It has served as a storehouse from whence all writers since the days of Cicero who have treated either of morals or ethics, have not only adorned but furnished their works. Divines have borrowed their systems, legislators their constitutions, statesmen their maxims, and magistrates their practice, from our author's *Treatise de Officiis* which may properly be termed the whole duty of man, as practised by the moral part of the heathen world before revelation took place. Our holy religion was so far from altering or depressing Cicero's doctrines, that it ennobled and improved them; so that they may justly be looked upon as containing a system of unrevealed christianity.

But it is amazing to see how a great name springing from excellencies, for which perhaps its owner is indebted to others, can absorb the lustre of its benefactors. Panætius was the real original author of Cicero's book upon the Moral Duties, but the name of Panætius as a philosopher, is as obscure as those of Hortensius, Crassus, Lucullus, and other great men are as orators. The lustre of Cicero has swallowed up their fame, and their literary merits would hardly be mentioned were it not for his writings.

This is not the only unjust effect that the great name of a man produces in admiring posterity, for it not only obscures brightness in others, but brightens defects in himself. The characteristic excellency of Cicero was eloquence; he had scarcely another merit, I had almost said scarcely another virtue. He more than once owns that all the Greek learning he studied was with a view to improve himself in that art; and there cannot be a doubt that all his philosophical writings are taken from the Greeks. Many proofs of this are yet extant, but many more have perished through the injury of time, and the universality of his language, which rendered his originals dry, tedious, troublesome, and therefore disregarded by the public. Very different has been the fate of Cicero's writings, for his eloquence and his great command of expression give such liveliness to

the most barren subjects he handles, that the ignorant learned his doctrine because they loved his writing, while the knowing loved his writing because they improved by his doctrine.

In vain do we look back to Cicero's practice, for the virtues of a philosopher or a patriot; yet no man ever understood them better than Cicero did in theory, because the study of them is the indispensable requisite of eloquence. But it was only as an orator that he was acquainted with them; as a man, his conduct was if possible, below contempt itself. When divested of the orator, when he suffers the anguish of affliction, to bereave him of his eloquence, when he pours forth his soul to his friends in the language of nature, how despicable does he appear? How unlike a Cato, a Brutus, a Socrates, a Charles the First, a More, or a Russel?

A similar observation may be made with regard to his writings, especially the following Treatise concerning the Moral Duties. That part of it in which he has followed Panætius, is sensible, clear, and undeniable, in most of its definitions, descriptions, and inferences; but having little room for introducing into any part of it his favourite accomplishment, he is sometimes dry, tedious, and tautologous, and it is easy to see when he deviates from the accurate Greek, in order to give himself the air of an original. On the other hand, when he formallly separates

from Panætius, as he does at the end of the second Book, and when he as it were sets up for himself, how very different is then his manner from the preceding part of the Work? He there indulges his natural vein. The encomiums he runs into upon Regulus and his other countrymen, are indeed the most pleasing part of the Work, because the most sentimental, but they are unphilosophical and declamatory. While he reasons concerning the obligation of an oath, he hampers himself by admitting the possibility that Providence takes no concern in human actions. In short, all that part, though extremely beautiful is destitute of that precision and closeness that are required from a philosopher, and which are visible in all our author's philosophical writings when he follows the Greeks.

The conferences concerning Old Age and Friendship, are as highly finished and as fine performances as perhaps ever appeared in any language; for their subjects are such as admit the most beautiful touches of his art, which he has every where introduced into them with the utmost propriety. But above all, we may remark how wonderfully cautious he is when he speaks as a philosopher and in his own person, and how unreserved as an orator. In his Treatise concerning the Moral Duties, the mention he makes of Providence and a

future state is rather unfavourable than otherwise to those two articles ; and seriously speaking, it is not quite clear that Cicero believed either of them. It is true that we often find him inculcating them in his writings, but it is always in the declamatory way, because the belief of those two important doctrines gave a glow to his eloquence as an orator, and flattered his vanity as a man. It is in this light that I consider all the beautiful passages of his Orations, in which he declaims with such spirit upon the immortality of the soul, and the existence of a future state. In like manner the fine sentiments which he puts into the mouths of his Cato, his Lælius, and his Scipio upon the same subject, are all of them accommodated only to oratorical purposes, and our author as a philosopher had always a ready excuse for those doctrines which he puts into the mouths of others, or which he himself preaches up as an orator. With him the phrase *oratoriè dictum* signifies the very same thing as *poeticè dictum* signifies among the poets.

Notwithstanding this, I cannot absolutely pronounce that Cicero disbelieved either the immortality of the soul, or the existence of Providence. It is certain that without the belief of both, all the plans of philosophy which he inculcates and lays down with so much accuracy in the various parts of his writings must be very ineffectual for the service of mankind.

✓ In the following pieces he seems to have selected whatever was most probable and rational from all the various sects of philosophers. Though the reader who is acquainted with the vast modern improvements in natural philosophy and astronomy, may smile at the fanciful description which Scipio gives us in his vision of the system of nature, yet he will not find that moral philosophy has improved in proportion to natural. He will perceive that it is to Cicero we owe what is most valuable in Grotius, in Puffendorff, in Cumberland, in Woolaston, and hundreds of other writers, and even in some of the fathers, who were perpetually abusing and imitating him. He will confess that in one respect our author stands yet unrivalled, and that is in the gracefulness and the propriety with which he introduces his subjects. When he is to lay down in the following volume a plan of virtuous life, and for the discharge of all the moral duties, he addresses it to his son, with whom he can be supposed to have no reserve, and to whom he unfolds the real sentiments of his own heart. When he recommends the means of making Old Age happy, he puts his sentiments in the mouth of the elder Cato, the great example of what he there describes. When he treats of virtuous Friendship, he takes advantage of the character of a Lælius, whose friendship with Scipio has been so celebrated ; and the im-

mortality of the soul is solemnly inculcated upon the younger, by the elder Africanus.

These two are undoubtedly the greatest and most amiable characters that ever Rome produced, and to the elder perhaps we owe our Treatise *De Officiis*. For not contented to carry his country's military glories to a much greater height than they ever had been at before, he strove to make her as great in arts as in arms. The truth is, when the elder Scipio entered upon life, the learning of the Romans was very despicable, and their taste barbarous. He improved the one, and reformed the other. He had about him none of that unamiable haughtiness, none of those horrid virtues, upon which his countrymen so much valued themselves. He joined the activity of the Roman to the politeness of the Greek; and crowned all with those moral virtues that were uncommon in either. But it was not enough that he practised them himself, for he communicated them to his country. He first taught the Romans how to engraft the elegance of manners upon the practice of morality, and he had the happy art of making business and amusement subservient to each other; while all his actions had an air of ease which gave his enemies a handle to accuse him of indolence. This produced an inquiry into his conduct, which turned out so much to his advantage that they were forced to acknow-

ledge that Scipio was the most indefatigable of mankind, and that his equal never was known in application, despatch, and regularity.

Such was the patron of Panætius, the author of what is most valuable in the following Treatise upon the Moral Duties. The elder Africanus in all his actions and character was so well followed by the younger, that the life both in public and private of the latter, was but a transcript of the former.

I have thought myself obliged to do this justice to those two great Romans, because it was in the school of arts founded by them, that our author acquired his eloquence. Their example gave the manners of the noble Romans, a turn to learning and the polite arts, which created amongst them an emulation that was of the utmost service to literature, and which our author availed himself of so critically, that from an obscure birth he arrived at the highest honours his country could bestow.

With regard to the following translation, I have observed the same method that I did in translating the other pieces of Cicero. I have considered him equally as an author and as a writer; that is, I have equally studied his matter and his manner. Doctor Cockman undoubtedly understood him as an author as well as any man, but in his translation we see nothing of the writer. Provided he expresses the sense of the

author, he cares not in what poor inelegant terms he does it ; and his inattention to the beauties of both languages, I mean that which he translates into, and translates from, seems to render another translation expedient, if not necessary.

Some of the following pieces appeared in English, almost as early as the art of printing itself did in England. A translation of *De Officiis* was printed by Caxton, in the year 1481. The famous Sir John Falstaff, our Shakepeare's favourite character, at the age of fourscore recommended to the same Caxton the printing a translation of our author's Conference concerning Old Age, which Caxton accordingly executed, and dedicated it together with an English translation of the Conference concerning Friendship, to king Edward IV. In Caxton's preface we are told that the translation was performed by the Earl of Worcester, who afterwards lost his head in the civil wars of England. The Treatise *De Officiis* has been since several times translated into English, particularly by L'Estrange, but as he seems to have done it from a very bad translation of the French, I should not have mentioned his performance had it not been that it had such great success. I have likewise seen several French translations of the following pieces, but they are so truly French, that they deserve no particular mention.

The Paradoxes, which the reader will like-

wise find in this volume, are a kind of philosophical exercises which are executed with wonderful spirit, and they have by many learned men been preferred to any piece of our author. The reader will perhaps be pleased to compare the character which he gives of Cato's eloquence with the speech put into his mouth by Sallust.

This volume would not have been complete, without the excellent political letter wrote by our author to his brother. The doctrine it conveys is of general use to all magistrates, and in all countries, and it is laid down in a very happy manner. The flattery it contains was necessary to make the subject go down with a man so haughty and so choleric as Quintus was. Meanwhile, the reader will perceive with what unlimited powers the governors of the Roman provinces were vested. Their own edicts seem to have been their laws, and the injured had no relief but by an application to Rome, and to judges who were too much interested to do them justice, because they might themselves next day, be in the condition of the impeached.

POSTSCRIPT.

It is said of a late English nobleman, who was distinguished by a fine taste in architecture, and by a noble collection of every thing relating to that art, that he was struck with surprise at the model of a beautiful church he saw in Italy, and greedily inquiring where the original was to be seen, he was told in London, where his lordship had spent most of his life. I own the same, in one respect, is somewhat my own case. For though I have had through my hands, I believe, about fifty different editions of Cicero's Offices in the original, I never knew that the very best one was printed within these ten years at London, till I saw it lately by chance mentioned in the end of an advertisement, at the latter part of a newspaper. The edition I mean, is that of Doctor Pearce, now Lord Bishop of Bangor, illustrated with his lordship's and Doctor Chapman's excellent notes.

This omission, unaccountable as it was, gave me however a sensible pleasure when upon a review and a comparison, I found I had executed my undertaking almost in the same manner as if I had applied to that powerful auxiliary, whose assistance had I had it, would at once have deprived me of great satisfaction, and have saved me from great labour.

I can esteem where I do not adore, I can acknowledge merit where I cannot place infallibility ; he is a despicable writer, who in literary matters pins his faith upon any human authority ; and a weak man who cannot differ with another without acrimony, or vindicate himself without ill manners. I have through the course of the following notes, made free with several great authorities who have commented upon, or translated the Treatise De Officiis, and if the reader should compare my translation and notes, with his lordship's edition and notes, he will find that I have in several passages understood my author in a sense different from that of his lordship. It is therefore a piece of respect that I owe not only to my readers, but to his lordship's great erudition, to give my reasons, why I have not thought proper to alter the passages in question.

I cannot be of his lordship's opinion in his note, p. 32. (p. 18. l. 8. of the translation) upon the words *in alterum incidunt*. His lordship

thinks there is no sense in saying, that while men are practising one part of the moral duties and fall upon another, they are therefore to blame. I own, that before I saw his lordship's edition I had no doubt in my own mind, that *incidere in aliquod* may signify to fail, to break short, or to trip in a matter. De Oratore l. 2. cap. 82. *Inciditur omnis Deliberatio*, all debate breaks short or is at an end. *Incidens Vox*, a faltering pronunciation. With numberless other instances.

In the passage before us, it has a peculiar propriety; because of the words *assequuntur* and *impediti*.

I agree with his lordship in thinking the passage in p. 51, (that critics have thought not to be genuine) is Cicero's.

His lordship, p. 53, (p. 27. l. 3. of the translation) in his note upon the word *capitalior* seems to think it necessarily implies a criminal sense; and as such, he introduces an alteration of the text in p. 341. I had, before I saw his lordship's edition, given my reasons (see translation p. 192 and 193, in the note) why I did not think that the word *capitalis*, necessarily implies a criminal sense.

But in the passage p. 53, of his lordship's edition, the sense is precisely the same, if the word is translated the most guilty villain, as the chief or the capital villain.

I had translated the words (p. 38. l. 5. of the translation), p. 72, of his lordship's edition, *quo difficilius, hoc præclarius*, "The more difficult the task of correcting this abuse is, it is the more glorious," and I have not altered the passage, though his lordship takes it in another sense, viz. "But the more difficult it is to practise justice while we aim at excellency, it is the more glorious." I am far from condemning this sense, nay I should have entirely embraced it, had it not been for the immediately following words in the original, which make me think that the passage is one of the many oblique reflections that Cicero throws out in this work against the government of Cæsar and his followers, whose practices he here describes.

His lordship's remark upon the expression, p. 73, of his edition, *et Gloriæ Cupiditate*, is certainly just, and I own it did not occur to me; but the manner in which I have translated the whole passage is so little different from his lordship's sense of it, that I scarcely think it requires any alteration.

In the note upon the words *Altitudo Animi*, p. 92 (p. 50. l. 23, translation), I beg leave to differ widely from his lordship. I have translated the whole passage, "A smoothness, or what we may call a depth of temper," and I can see no reason from his lordship's note for altering it. And I found *Aptitudo*, the word he wants

to substitute in the text, I should have understood it; but had another critic suggested *Altitudo*, I should have liked it much better. That *Altitudo* may signify depth, his lordship seems to allow; and there scarcely can be a doubt that *facilis* especially in our author, many times signifies smooth, and that smoothness is the effect of depth in water is generally admitted and experienced; therefore the objection his lordship brings against the impropriety of the period, I think vanishes. Not to mention that his lordship observes *Aptitudo* to be no where else used by our author; and that the allusions of the mind to the sea are frequent in Cicero. Add to this, that his lordship himself mentions our author making use of *Altitudo animi* in his oratorical partitions; and if the reader consults that passage he will find he does it in the very sense contended for here, viz. that depth of temper which is required under a free state in a great man, who wants to rise or to rule, and which conceals the great variety of provocations which an abuse of liberty may expose him to.

I have translated the passage of note (8) p. 107, (p. 59. l. 13. Translation) in his lordship's sense, but his lordship seems to be mistaken in the principle of his opposition to the common reading; and that from his not attending to the meaning of the word *quidem* which with our

author often, if not generally, is almost the same with *Saltem*, at least. In this sense the sentence objected to by his lordship will run thus. "The one kind of wit is worthy a man, the other is unworthy, at least of a gentleman." I agree, however, with his lordship, that his reading makes better sense.

This leads me to his lordship's note (9) p. 153, (p. 83. l. 20. Translation) where he objects to the reading from which I have translated the passage there referred to; for says he every thing that is worthy a *Homo*, is worthy a *Liber*; because adds he afterwards, the idea of the human kind comprehends the *Liberi* as well as the *Servi*. But his lordship in this place does not seem to attend, that *Liber* is not put in contradistinction to *Servus*, but to *Homo*, and signifies a man of fortune and education.

I cannot imagine how his lordship comes to think that the words in p. 158. (p. 86. l. 16. Translation) which he has enclosed within crotchets are misplaced, for I think nothing can come more naturally to strengthen our author's argument.

The words in p. 164, (in p. 90. l. 1. Translation), *Aut quid maxime utile*, which his lordship thinks does not belong to Cicero, are translated by me without any such mark of reprobation; nor even after reading his lordship's objection to them do I find any reason to be of

another opinion than that they are genuine. Cicero proposes to treat of the *Utilia*, and amongst the *Utilia*, which is *Utilius*, or *Magis utile*, and which is *Utilissimum*, or *Maxime utile*. His lordship thinks that *utilius* and *maxime utile* are the same. But whoever attends to the thread of our author's reasoning, which is professedly antistoical, must see that he lays down all the three degrees ; and admits that a thing may be more useful or profitable than another, and yet not profitable in the highest degree. In like manner as he lays it down, that virtue is either *Sola expetenda*, or that it is *maxime expetenda*, i. e. " The only desireable object," or " of all objects, the most desirable."

I agree with his lordship in his notes (5 and 6) p. 165 and 166, but I have translated the passages (p. 90. l. 28. Translation) differently from the sense in which Doctor Cockman has translated them, and in which I believe, his lordship understands them. For I have translated the words *Agendo* and *Actiones* literally, but Doctor Cockman translates *Actiones*, *public orations*. Now, I think it much safer to translate it *conduct*, because that word comprehends not only his pleadings and politics, but the whole of his public life, upon which he tells Lentulus, Epist. ad Fam. 9. he had wrote three books. Upon the whole, I do not remember that in all this Treatise Cicero once has the word *Actio* signifying a

pleading, though he frequently uses it in the sense in which I have translated it.

I entirely agree with the note (5) that has Chapman at the end of it, p. 180. His lordship thinks note (1) p. 211. that the copulative *et* ought there to be left out. I have indeed translated it (p. 115. l. 14. Translation) in that manner, but I do not understand the passage in the same manner with his lordship. *Facilis* in our author, does not always signify what we in English term easy. Ready is here and often elsewhere the sense of that word, and as such it corresponds extremely well with our author's meaning, which is to show the great advantages which an early prepossession of the public of a young man are to him; and that that prepossession may be readily acquired by the appearance of his attaching himself to men of learning and virtue.

His lordship's note (6) p. 234. (p. 128. l. 17. Translation) is I apprehend, built upon a mistaken fact. For according to Cicero's words (of which his lordship does not impeach the reading) the fact was, that even when Cimon lived at Athens, his house in that city was open to those of his tribe; that he had ordered his economy so; and that though he was not in the country himself, his villas were likewise open to them.

P. 237. note (3) his lordship here adopts a

note from Manutius which I was dissatisfied with, when I was translating the passage (see the Translation p. 129. l. 28.) where I have translated it, *who readily toils*, nor can I see the propriety of the note of Manutius.

I should be of his lordship's opinion in note (8) p. 240. (p. 132. l. 5. Translation) were it not that the word *Modestum*, which our author joins with *Probum*, signifies the very same thing that his lordship contends the word *probus* does. The scope of the note, however, is certainly just, but I think not quite applicable to this passage.

P. 261. note (9) may be just, but I think the manner in which I have translated the passage answers pretty well to our author's meaning, and is defensible from his lordship's objections to the common reading of the original. See Translation p. 143. l. 5.

I can by no means be of his lordship's opinion, note (2) p. 263. (p. 143. l. 17. Translation.) The whole of the passage has an air of ridicule; and I apprehend there was as great a difference between the Romans who laid out (as Atticus and other men of property did) their money at legal interest, and the *Fœneratores ad medium Janum sedentes*, as there is between the directors of our public companies and the sharks of Exchange-alley.

I cannot agree either with his lordship or

Doctor Chapman in their notes, p. 200 and 201 note (2) (p. 110: l. 1. Translation) Doctor Chapman thinks that *Majores* cannot be understood in the sense I have taken it, because says he, it is incompatible with Tully's philosophy; but I can by no means be of that opinion. Our author in all this work disclaims systematical philosophy, and nothing can be more agreeable to his way of thinking than that some powers of the soul are fitted for magnanimity, &c. and that these are the sublimer faculties of the mind which pleasures may thus warp; and which are opposed to that yielding to pleasure spoken of immediately before. In like manner Cicero allots fervency to be the property of certain great minds, and not of others, vide l. 1. De Offic. chap. 15. Besides the word *Plerique* which immediately follows would be superfluous if we were to understand it in the Doctor's sense, viz. the greatest part of mankind.

I have nothing to object to his lordship's emendation, note (1) p. 286. excepting that he lays it down as being more than conjecture. But however plausible it may be, I can retract nothing of what I have said in my note upon the same passage (p. 159. see note Translation.) The old philosophers almost of all denominations admitted that the unjust affections of the mind were the greatest of all evils. "Therefore (says our author) a man rather than break into

the laws of society will endure the greatest hardships of body and fortune ; he will likewise endure the greatest anguish of mind (excepting that anguish which arises from passions dishonest in themselves, and which give rise to the very evil here complained of), that is, he will endure all kind of afflictions on account of his nearest and tenderest concerns." I repeat it again, that I have nothing to object to his lordship's sense of this passage, but if we admit of conjectures not warranted by any manuscripts, it is hard to say where the practice may stop.

And for that reason I cannot agree with the conjecture of Manutius, which his lordship recommends note (4) p. 296. I have in my note upon that passage (p. 165. Translation) given my reasons for the sense in which I have translated it. I have there, indeed, blamed the obvious acceptation of the common reading, but upon a review I should choose to adopt it, rather than a reading that is warranted only by conjecture. In short I cannot see the least foundation for that jealousy which his lordship seems to entertain for our author's principles if the common reading is not altered ; for I know no passage in this work less liable to an exception of this kind, even if we suffer the common reading to stand.

His lordship, p. 307. note (3) seems to approve of Olivet's alteration of *Utilitas* to *Vilitas*,

but I can see no manner of reason for it, and therefore, have followed (p. 173. l. 29. Translation) the allowed reading.

I have nothing to object to his lordship's note (7) p. 317. (p. 179. l. 9. Translation) but admitting the justness of it, I see no reason for altering my translation of the passage. I believe however, it is no unusual thing for brokers to be in combinations, even of the kind his lordship thinks to be improbable, and that many a fine picture for instance, has gone at an under value by men, who were reputed to have skill, putting them up at auctions at a small value, and after bidding a very little more, letting them fall into the hands of those with whom they are in combination.

His lordship, after Fabricius, tells us (p. 321. note 7) (p. 181. l. 6. Translation) that the house here spoken of was not to be demolished, only the highest part of it was to be lowered ; and that upon the authority of Valerius Maximus, who gives us the same story. I should have no manner of objection to this sense, if it can be made appear that *demolire Ædem*, signifies no more than taking away the upper story of a house ; for Valerius says, that Calphurnius was *demolire Domum coactus*, and Cicero, Calphurnius *cum demolitus esset*. If *demolire Domum* therefore in Latin, signifies no more than to “ lower a house,” “ to demolish a

house," in English ought to have the same signification.

I cannot see the propriety of the word *Principiis* (p. 184. l. 4. Translation) which his lordship contends, note 8, p. 326, should stand in the original there. I think it destroys the beauty of our author's allusion to the graphic arts. Mean time, I understand *Exemplis* in the same sense as *Exemplaribus*, and I believe I am very well warranted by our author in so doing.

The word *Malitia* is by me translated cunning, but his lordship says, that *Malitia* is *si quis mala bonis anteponit*, which are our author's words. I must however ask his lordship's pardon, if I think that Cicero gives this as a property, but not as a character of *Malitia*. Nothing can be more plain than that *Malitia* in this work often signifies the very same thing that cunning does in English; nay, the words agree so well together, that both are used sometimes in a good, or at least in no bad sense. Our author in one of his epistles to Atticus, commends his *Malitia* in dealing with another person, as if we should say in English, "you were too cunning for him." *Nisi Malitia supplet* is a term in the civil law to imply that young men are under age to a certain time unless their *Malitia*, cunning, or archness, or shrewdness make up for their want of years.

I cannot think the words *quam inutile*, p.

340. note 2, to be superfluous. Our author here (p. 192. l. 15 Translation) and elsewhere in this work, is perpetually inculcating the difference between seeming and real utility, and that in fact, injustice is always attended by inutility and dishonour.

His lordship's note (6) p. 243, is so very ingenious and plausible, that I will translate the whole passage. "Now (says our author), I will ramble to the opinion of the vulgar. Can any greater benefits accrue than what accrue from sovereignty?" But notwithstanding the passages brought by his lordship (which with submission I do not think similar) to justify the propriety of saying, *Abeo ad vulgi Opinionem*, I cannot retract what I have said upon that passage, (p. 193. note 9, Translation) though in the main my translation agrees with his lordship's sense of the passage.

I can by no means be of opinion with his lordship, note 9, p. 345. that Cicero speaks inconsistently with himself, if the common reading according to which I have translated the passage (p. 195. l. 32. Translation) should stand. If an English author were to write a Treatise of this kind, and had occasion to mention with applause one of Queen Elizabeth's parliaments, he might naturally call it our parliament; and he might do the same if he was to censure one of the parliaments since that time.

This is exactly the case with that of the passage before us.

I have been so full (note 1, p. 197, Translation) in defence of the common reading, which his lordship, p. 348. note 3, and all the commentators have objected to, that what I have said there, answers his lordship's criticism as well as those of other editors. I repeat what I have said in the note referred to, that I can see no reason for supposing with the commentators, Curio to have been against the measure.

There could be no objection to his lordship's substituting *voracem* for *furacem*, p. 352. note 5, but that it is warranted by no MSS or edition. I therefore choose to translate the passage as I find it, though there is somewhat of an inconsistency in it, unless we suppose *furacem* as I have translated it, a hankering after pilfering, but without carrying it into execution, for the seller was I suppose to inform the buyer only of the facts the slaves had been guilty of. A man may be *Furax* and *Ebriosus* yet neither, a *Fur* nor *Ebrius*. (See p. 202, l. 11. Translation.)

I can see no manner of occasion for his lordship's note (1) p. 359, if we suppose, as I believe the fact to have been, that the commanders in chief here spoken of took the chief command by turns, and that it was Hamilcar's turn when Regulus was taken.

His lordship, p. 361, note 3, is at pains to

reconcile to fact the difficulty which appears upon the face of this passage, if we understand it in the common sense it is taken in. (See p. 207, and note z, Translation). But I should be glad to know whether the fact there laid down by his lordship is only suppositious, or if it is supported by any good authority. I doubt it is not; and that we ought to translate the words, *Sententiam ne diceret recusavit* in their obvious sense, viz. that he refused to conceal his opinion, which was the truth of the matter, and which is the only way we can reconcile the staring inconsistencies of the passage.

The sense which his lordship wants to introduce, note 8, p. 368, is, I am afraid not quite consistent either with a good man or with our author's meaning. For a man in many cases may swear to the performance of a thing which he may think he ought not to perform, and yet the circumstances under which he swears, may oblige him in honour and conscience to perform his oath.

Such are the passages in which with great diffidence, I have differed with his lordship, and if any reader should think them to be too immaterial to be thus taken notice of, he ought to know, that in a work that carries such authority as this does, every point and particle deserves to be canvassed, and nothing it contains is immaterial.

CICERO DE OFFICIIS;

OR,

HIS TREATISE

CONCERNING

THE MORAL DUTIES OF MANKIND.

If we except the Holy Scriptures, the following work has been, perhaps, of more service to mankind, than any that ever was published. It was easy for Cicero, to see that his countrymen, in general, had very imperfect notions of the moral duties. Their virtues were often rather terrible than amiable, and that patriotism which the best of them affected, often made them neglect the prior ties of humanity and natural society. This ignorance and disregard had run them into great excesses, which terminated in a bloody civil war, and the loss of public liberty. But as our author thought that to be retrievable after the death of Julius Cæsar, he applied himself to digest, into a regular system, all that lay scattered in his own and the Greek writings, concerning the moral and relative duties of mankind. His great character amongst his countrymen for learning and erudition, soon made this work to be the standard of all the moral duties, and to this day it continues to be appealed to and decisive. It is, in short, the ground work of all that Grotius, Puffendorff, Cumberland, Woolaston, and thousands of other writers have laid down concerning the public and private duties of mankind.

The circumstance of addressing it to his son, was a happy one. For it freed him from all manner of constraint, both in his style and sentiments, and there runs through the whole an

ease and freedom that no other writer has yet equalled, and is to be found in none, even of our author's other works.

With regard to the title, the reader may, if he pleases, consult what has been said concerning it by our author, in his Epistles to Atticus, Ep. 13. Lib. xv. but after all, I own I should be better pleased with the English title of *The Whole Duty of Man*, had not our author objected to it.

BOOK I.

MARCUS, MY SON,

I. You have, it is true, for a year, been studying under Cratippus,* and that too at Athens;† therefore you are doubtless well furnished with

* *Cratippus.*] This philosopher was greatly prized, both by our author and his son, for his excellence in philosophy. He was a native of Mitylenæ, and by Cicero's recommendation, was raised by the Areopagus at Athens, to be what we may call head professor of philosophy in their schools.

† *At Athens.*] Cicero seems (with reason), to lay a stress upon this circumstance, the propriety of which may escape the vulgar observation. It is certain, that the reputation and dignity of a place such as Athens was, furnished with every object that could awaken, fire, or correct the ideas, and with all conveniencies for study, must make a very advantageous impression upon the mind. Add to this, that the ancients ascribed a physical quality to the air of Athens, which they said was so pure, that it whetted and refined the understanding. *Athenis* (says our author in Lib. de Fato), *tenue Cælum; ex quo, acutiores etiam putantur Attici. Crassum Thebis, itaque pingues Thebani et valentes.* “At Athens the air is pure, by which its inhabitants are esteemed to be uncommonly penetrating; at Thebes, it is thick, and hence the Thebans are reckoned to be heavy and strong.”

the rules and principles of philosophy; the character both of the master and the city being so high; the one improving you by his learning, the other by its examples. Notwithstanding all those advantages, as I, for my own improvement, have joined the study of Latin to that of Greek erudition, not only in philosophy, but even in the practice of speaking, I recommend to you the same method, that you may excel equally in the exercises of both. In this respect, at least, if I mistake not, I was of great service to our countrymen, so that not only such of them as are ignorant of Greek learning, but even men of letters amongst them, think they have profited somewhat by me both in speaking and reasoning.

Therefore you may study, nay, study as long as you incline, under the best philosopher of this age, and you ought to incline it, as long as you are sensible that you improve; but you are to read my works which are not very different from the principles of the Peripatetics,* because I aim at a coalition of the Socratic, with the Platonic sect. As to the conclusions you are to form, I leave them entirely to your own judgment; but take my word for it, you will, by reading my

* *The Peripatetics.*] Our author here lays aside the didactic air which he assumes in the other parts of his philosophical works. There he wants to shine, but here he strives to instruct, and therefore talks very soberly, that he wants to select what is best from every sect of philosophy, and to follow that.

writings, render your Latin style more copious. You are not to imagine that this is ostentation in me, for while I yield the superiority in philosophy to many, I think I do no more than assert what is my own right, if I claim, to myself, the province peculiar to an orator, that of speaking with propriety, perspicuity, and elegance ; a study, in which I have spent my days.

Therefore, my dear Cicero, I most earnestly recommend to your careful perusal, not only my Orations, but even my philosophical works,* which fall very little short of my orations, in purity of style. There is, it is true, a higher glow of eloquence in the one than in the other, but you are to cultivate, at the same time, this smooth, this sober manner of expression. And, to say the truth, I know none of the Greeks who have reconciled the two manners in their writings, by practising, at the same time, the declamatory, and this argumentative style. If there is an exception amongst them, it is Demetrius Phalereus, who, though a refined reasoner, was an enervated speaker ; but yet he was insinuating, and by his smoothness, you may know him to have studied under Theophrastus. How far I have succeeded in both, let others

* *Which fall very little short of my Orations.*] Orig. *Qui jam illos ferè equarunt*, which may refer to the number as well as the excellence of the works. But I have followed the sense of Manutius preferably to that of Grævius.

determine ; all I can say is, that I have attempted both. Mean while, I am of opinion, that Plato could have succeeded, had he attempted the powerful copious manner that is required in speaking to the public ; and had Demosthenes retained and repeated the lessons of Plato, he would have delivered them with gracefulness and beauty. I form the same judgment of Aristotle and Isocrates ; but each was so pleased with his own manner, that he neglected that of the other.

II. But resolving, at this time, to write to you somewhat, and a great deal in time to come, I have thought proper to set out with that subject which is best adapted to your years, and most becoming my authority. For while many subjects in philosophy, of great weight and utility, have been accurately and copiously discussed by philosophers, the most extensive seems to be what they have delivered and enjoined concerning the duties of mankind. For there can be no state of life, public or private, abroad or at home ; there can be no intercourse between you and me, or between me and another, that is without its peculiar duty. In the due discharge of that consists all the dignity, and in its neglect, all the disgrace of life.

This is a principle, of which all philosophers have treated ; for where is the man who will presume to style himself a philosopher, and lay

down no rules of duty? But there are certain schools which pervert all duty by the ends of good and evil which they propose. For if a man should lay down as the chief good, that which has no connexion with virtue, and value it according to his own private views, and not according to its inherent dignity; if such a man, I say, shall act consistently with his own principles, and is not sometimes influenced by the goodness of his heart, he can be neither friendly, just, nor generous; nay, it is impossible for the man to be brave, who shall pronounce pain to be the greatest evil, or temperate, who shall propose pleasure as the highest good.

These truths are indeed so self-evident, that they require no philosophical discussion, and yet I have treated of them elsewhere. I say therefore, that if this doctrine is uniform and self-consistent, the professors of it can never treat of the moral duties. Neither can any firm, permanent, or natural rules of duty be laid down, but by those who esteem virtue to be the sole, or by those who deem her to be the chief object of desire. The doctrine of duties, therefore, is the peculiar study of the Stoics, of the Academics and the Peripatetics; because the sentiments of Aristo, Pyrrho, and Herillus,*

* Our author has in his Treatise, concerning the ends of things good and evil, treated very largely concerning all the sects and philosophers mentioned in this place.

have been long exploded. Yet even those professors would have been entitled to have treated upon the duties of men, had they left, in the nature of things, any means of choosing what could have guided us to the discovery of any one duty. Let us therefore, upon this occasion, at least, and upon this subject, chiefly follow the Stoics, not as their expositors, but by drawing, as usual, from their sources, whatever is for our purpose, and in whatever manner we please. I therefore think proper, as I propose duty as my sole object, to define what a duty is ; a definition which I am surprized has been omitted by Panæti^{us} ; because every principle, laid down in reasoning, concerning any subject, ought to be preceded by a definition, that the subject may be clearly understood.

III. All questions concerning duty are of two sorts. The first relates to the final good, the second consists of those rules which are to regulate the practice of life in all its relations. Examples of the former are as follow:—Whether all duties are perfect in themselves? Whether one duty is of more importance than another? Together with other questions of the same nature. Now the rules for moral duties relate, indeed, to the final good, but it is not so perceptible that they do, because they seem chiefly adapted to the common practice of life, and of them, we are to treat in this book.

final good
relates to
re. of good to common life

But there is another division of duty: one probable, the other perfect. If I mistake not, the complete or perfect duty is the same with what we call a direct one, and by the Greek is called *κατορθωμα*. As to that duty which is probable or in common to all mankind, the Greeks call it *καθηκον*, and they thus define those terms. Whatever duty is direct, that they call a perfect duty, and they call that duty, for the performance of which a probable reason can be assigned, a probable duty.

In the opinion, therefore, of Panætius, there is a threefold consideration for determining our resolution. For men consider whether the thing in question be of itself virtuous or disgraceful, and in this deliberation, the mind often falls into opposite sentiments. They, then, examine and deliberate whether or not the subject of their consideration conduces to the utility or enjoyment of life, to the improvement of their estate and wealth, to their interest and power, by which they may profit themselves or their relations. All this deliberation falls under the denomination of utility. The third head of deliberation is, when an apparent utility seems to clash with virtue. For when utility hurries us to itself, and virtue reclaims us, the mind is distracted in the choice, and the result of our deliberation is suspended. In this division (not to mention that an omission is of the worst conse-

quence in divisions of this kind), two things are omitted. For we use to deliberate not only upon what is virtuous or shameful in itself, but of two things that are virtuous, which is preferable? And in like manner, of two things which are profitable, which is most so? Thus, in fact, the deliberation which he has made threefold only, admits of five divisions. We will therefore, first treat of what is virtuous in itself, and that under two heads; in like manner, of what is profitable; and we shall next form some estimate of both.

IV. In the original formation of things, all living creatures were, by nature, endowed with this affection or property, that they cherished themselves, their life, or existence: that they avoided those things that appeared hurtful to them, and that they looked out for, and procured, whatever was necessary for their living, such as food, shelter, and the like. Now the desire of procreating their own species is in common to all animals, as is their concern about what is procreated. But the greatest distinction between a man and a brute lies in this, that the latter is impelled only by instinct, and applies itself solely to that object, which is present and before it, with little or no marks of sensibility of what is past, or is to come. But man, because endowed with reason, can mark the chain of consequences; he looks into the motives of things

*reason
foresee
future
motives*

and their progress, and being acquainted, as it were, with what is past, he can draw like consequences from like causes ; he adopts them to what is present, and connects them with what is to come. It is easy for him to foresee the future direction of all his life, and therefore he prepares whatever is necessary for carrying him through it.

Community

Nature, likewise, joined to the force of reason, habituates mankind to community both in language and in life ; above all, it plants in them a strong love for their offspring ; it impels them to meet in companies, to form public assemblies, and dictates such actions as duties, which every individual is to fulfil. For those reasons, man takes care to provide for the decent, as well as the necessary, supports of life ; and that, not only for himself, but for his wife, his children, and for all who have a right to his love or protection. This is an affection, which awakens every faculty of the mind, and enlarges its abilities for action.

*search for
truth*

The distinguishing property of man is to search for, and to follow after, truth. Therefore, when relaxed from our necessary cares and concerns, we then covet to see, to hear, and to learn, somewhat ; and we esteem knowledge, of things either obscure or wonderful, to be the indispensable means of living happily. From this, we understand that truth, simplicity, and

candour, are most agreeable to the nature of mankind. To this passion for discovering truth, is added a desire to direct; for a mind, well formed by nature, is unwilling to obey any man, but him, who lays down rules and instructions to it, or who, for the general advantage, exercises equitable and lawful government. From this proceeds magnanimity and disregard for grovelling considerations.

Neither is it a mean effort of nature and reason, that man is the only animal, who is sensible of order, of decency, and of proper fitness, both in acting and speaking; therefore no other creature perceives the beauty, the gracefulness and the harmony of parts, in those objects which are discerned by the sight. This is an idea which nature and reason conveys from the sight to the mind, and she is still more tender in cherishing beauty, regularity, and order in councils, and actions; she is unwilling to do ought that is indecent, or effeminate, or to act, or think wantonly, in any occurrence of life, either when we deliberate or execute. The effect and result of all this, produces that honesty which we are now in search of; that virtue which is honourable without being ennobled; which, were it admired by none, would be lovely in itself.

*Beauty
order*

V. Son Marcus, you here perceive, at least, a sketch, and, as it were, the outline of virtue;

could we perceive her with our bodily eyes,* her beauties would, as Plato says, raise within us the strongest love of wisdom. But whatever is virtuous must arise from some one of those four divisions. For it must consist either in the perception of, and perseverance in, truth; or in cultivating society, by giving to every man his due, and by punctually observing the moral obligations; or it must consist in the greatness and firmness of an elevated and unsubdued mind; or in observing order and regularity, in all our words, and in all our actions, by which we attain to moderation and temperance.

Though those four divisions are connected, and interwoven with one another, yet certain kinds of duties arise from each of them. As for instance: in that part which I first described, and under which I comprehend sagacity or wisdom, consists the search after, and discovery of, truth; and this is the characteristical quality of that virtue. For the man who is most sagacious in discovering the real truth in any subject,

* *Our bodily eyes.*] This is a fine and a celebrated sentiment of Plato. Οψῖς (says he in his Phædo) ἡμῖν ὀξυτάτη τῶν διὰ τῆ σώματος ἔρχεται αἰσθήσεων, ἥ φρόνη εἰς ἐκδραται, δεινὰς γὰρ ἂν παρεῖχεν ἔρωτας, εἰ τοιοῦτον ἑαυτῇ ἱναργέας εἰδωλον παρείχετο εἰς ὄψις ἰόν. “ Our eyesight (says he) is the most exquisite of our senses; yet, it does not serve us to discern wisdom; “ if it did, what a glow of love would she kindle within us?” The reader, may perhaps observe, with what propriety Cicero applies to virtue, what Plato says of wisdom.

and who can, with the greatest perspicuity and quickness, both see and explain the reasons that are to support it, has a right to be esteemed a man of the greatest understanding and discernment. From hence it follows, that truth is, as it were, the subject matter that directs and employs this virtue. As to the other three virtues, they necessarily consist in acquiring and preserving those indispensable circumstances, which constitute civil and social life, in order to preserve the community and relations of mankind, and to display that excellence and greatness of soul, which exerts itself in acquiring interests and advantages, both to ourselves and to our friends; but becomes much more conspicuous in properly disregarding them. As to order, resolution, moderation, and the like, they come into that rank of virtues, which require not only an operation of the mind, but a proper degree of personal activity. For when we bring the occurrences of life, under a rule and regularity, we then preserve virtue and decency.

VI. Now of the four divisions, under which I have ranged the qualities and force of virtue; that which consists in the knowledge of truth principally, affects the nature of man. For all of us are impelled and carried along to the love of knowledge and learning, in which we account it glorious to excel; but consider every slip, mistake, ignorance, and deception in it, to be

hurtful and shameful. In this pursuit, which is both natural and virtuous, two faults are to be avoided. The first not to presume that we know things which we do not know, and thereby rashly give them our assent. Every man ought to wish to avoid this error, and therefore he must apply both with leisure and industry to the study of things.

The other fault is, that some people bestow too much study and pains upon things that are obscure,* difficult, and even immaterial in themselves. When those faults are avoided, all the pains and care a man bestows upon studies that are virtuous in themselves, and worthy of his knowledge, have a claim to our highest regard. Thus we have heard how Caius Sulpicius† excelled in astronomy, and Sextus

* *Upon things that are obscure.*] The emperor Antoninus very finely thanks the gods, that when he applied to the study of philosophy, he was taught by Junius Rusticus, to avoid this error. Τὸν εἰς ἑαυτὸν ὁπῶς ἐτιθύμῃσα φιλοσοφίας. μὴ ἔμπεσεῖν εἰς τινα σοφιστὴν μηδὲ ἀποκαθίσαι ἐπὶ τὰς συχρᾶφεις ἢ συλλογισμὸς ἀναλύειν, ἢ περὶ τὰ μετεωρολογικὰ καταγίνεσθαι : “ That when I applied “ my mind to the study of philosophy, I did not meet with a “ Sophist for my instructor, neither did I spend my time in “ reading mean authors, nor was I embarrassed by the useless “ studies of astrology.”

† *Sulpicius.*] We have in the Roman history, a remarkable story of this nobleman, by which we may see the excellent effects of learning in a man of consideration, who knows how to time it well. For we are told, that while he served against the Macedonians, under Julius Æmilius, he foretold to the

Pompeius,* to my own knowledge, was a great mathematician; I have known many who were eminent in logic, and more who were so in the civil law, all which are arts that serve to investigate truth; but our duty forbids us to be diverted, by pursuing her, from carrying on our proper concerns, because the whole glory of virtue consists in activity. Yet this is often intermitted, and frequent are our returns to our studies. Then, there is a certain incessant working of the mind, which, without our taking pains is sufficient to keep us in the practice of thinking. Now, all thought and every motion of the mind consists in the pursuit of virtuous actions, or such as relate to the enjoyment of a good and a happy life; or else in the pursuits of science and knowledge. I have now treated of, at least, the first source of duty.

VII. As to the other three, the most extensive system is that, by which the mutual society of mankind, and, as it were, the intercourse of life is preserved. It may be divided into two parts, honesty or justice, in which courage displays

Roman soldiers an eclipse, and explained its causes, and thereby prevented the consternation they otherwise would have fallen into, and which seizing the enemies, they were easily routed by the Romans.

† *Sextus Pompeius.*] He was uncle to Pompey the Great, and is celebrated upon other occasions by our author, for his great knowledge in geometry, and the doctrine of the Stoics.

itself with the most distinguished lustre, and from which men are termed good. To this is joined beneficence, which may likewise be termed benevolence or liberality. Now the chief property of honesty is, that no person hurt another, unless he is provoked* by suffering wrong; next, that public property be appropriated to public, and private to private, good.

Now, by nature,† there is no such thing as

* *Unless he is provoked.*] Though some well-meaning Christian divines have found fault with the unchristianity of this passage, yet it is not irreconcilable with the doctrines of the gospel, or the practice of our holy religion. Because, if a man has it in his power to do good to many, by the just punishment of one, who, by injuring him with impunity, would set a most pernicious example to the society, if he does not do it, he acts against the first principles of Christianity. The Christian doctrine therefore against revenge, regards that kind of revenge that proceeds (which frequently happens), from personal or private resentment, and which the wisest and best of the heathens discouraged even in a just cause, because it becomes destitute of justice, by not profiting society through the example. *Dictat autem ratio Homini* (says Grotius, *de jure Belli ac Paris*, L 2. Cap. 20. § 5) *nihil agendum quod noceatur homini alteri, nisi id bonum habeat aliquid propositum. In solo autem inimici dolore, ita nudè spectato, nullum est bonum nisi falsum et imaginarium.* “Now reason tells men, that we “should do no hurt to another man, unless it is to serve some “good end. For from the mere pain of another person, “there can result no good but what is mistaken and imaginary.” *Vid. plura in Loc. cit.*

† *Now by nature.*] Grotius, *De jure Belli ac Paris*, Lib. 2. Cap. 2. has largely explained all that is here laid down by our author.

exclusive property : all that can be pleaded for it is, ancient possession (as when men formerly came into unoccupied territories), or victory (as possessing it in right of conquest), or public constitution, paction, terms, or lot. By those the land of Arpinum is belonging to the Arpinates, the Tusculan to the Tusculans. The like division holds with regard to matters of private property. Thus, as every man holds his own, each possesses that portion which fell to his share of those things that by nature were common ; and it follows, that no man can covet another's property, without violating the laws of human society.

But (as Plato says very nobly) as we are not born for ourselves alone, and as our country claims her share, and our friends their share in our existence ; and, as the Stoics hold, all that the earth produces is created for the use of man, so men are created for one another, that they may mutually do good to one another. In this we ought to take nature for our guide, to throw into the public stock the offices of general utility, by interchanging our duties ; sometimes, by receiving, sometimes, by giving ; and sometimes to cement human society by arts, by industry, and by abilities.

Now honesty is founded upon faithfulness, which is a perseverance and truth in all we say and in all we promise. Let us therefore (though

some people may think it over doing the matter) imitate the Stoics, who curiously examined the derivation of the word *fides* or faithfulness, and let us take it for granted that it is no other than a performance* of what we have promised. But there are two kinds of dishonesty, the first is of those who offer an injury, the second, of those who have it in their power to avert an injury from those to whom it is offered, and yet do it not. For, if a man,† prompted either by anger or any sudden start of passion, unjustly assaults another man, or seems, as it were, to lay violent hands on his neighbour, the man who does not repel or withstand the injury, if he can, is as much to blame as if he forsook his parents, his friends, or his country.

Those injuries, however, which are industriously inflicted, often proceed from fear; as for instance, when a man, who is contriving to injure another, is afraid, unless he executes what he is meditating, that he may himself meet with

* *Performance.* Our author from other parts of his works, seems to be serious in deriving the word *Fides*, *Quia FIAT quod dictum est.* He has been ridiculed for this fanciful derivation by his modern commentators, who have recommended that of Salmasius, but I don't know whether it mends the matter. Foreigners, says he, († *De Usuris*) pronounced the Greek word πιστις, πικτις, and hence came the word *Fides*.

† *For if a man.]* There seems to be some mistake in the original here, but the author's sense is plainly as I have translated it.

some misfortune. But the great incentive to doing wrong, is to obtain what one desires, and in this crime, avarice is the ruling passion. *avarice*

VIII. Now riches are sought after, both for the necessary purposes of life, and for the enjoyment of pleasure. When ambition is predominant in a man, he covets money in order to strengthen his interest, and oblige his friends. As we lately heard M. Crassus say, that no man who wanted to have a direction in the government, could be said to have money enough, unless the interest of it could maintain an army. *gr* Men likewise in their equipages, love magnificence with elegance, and in living, they affect politeness with plenty; and hence, their desire for money becomes boundless. There may be, indeed, in man, a desire to improve his private fortune which is far from being blameable; but still he ought to avoid doing injury to any other person.

But the mighty cause why most men are seized with a forgetfulness of honesty or justice, is when they stumble upon a violent ambition after empire, honours, and glory. Here what Ennius observes, is remarkably verified:—

Through the thirst of empire,
All ties of friendship and of faith are broke.

For where the object of ambition is of such a nature, as that several, at the same time, cannot succeed, the contest for it is generally so violent,

that nothing can be more difficult than to preserve the sacred ties of society. We had lately a glaring instance of this in the presumption of C. Cæsar, who, in order to obtain that direction in the government which the wildness of his imagination had planned out, violated all laws, divine and human. But what is most deplorable under this head, is, that the desire after honour, empire, and glory, is generally prevalent in the greatest soul, and the most exalted genius; for which reason every crime of that sort is the more carefully to be guarded against. But in every species of injustice, it is very material to examine whether it is committed through a start of passion, which commonly is short lived, or from deliberate, prepense, malice. For whatever proceeds from a short, sudden fit, is of slighter moment than what proceeds from forethought and preparation. But enough has been said concerning inflicting injury.

IX. To proceed; various are the causes of men omitting, or forsaking, their duty. They may be unwilling to encounter enmity, toil or expense, or perhaps they do it through negligence, listlessness, or laziness; or they are so embarrassed in certain studies and pursuits, that they suffer those, they ought to protect, to be abandoned. This leads me to doubt somewhat of the justness of Plato's compliment to philosophers: "That they are men of integrity,

because they aim only at truth, and despise and neglect those considerations which others value, and which generally set mankind at variance, amongst themselves." For, while they abstain from doing injury to others, they indeed assert one species of honesty or justice, but they fail in another; because they are so entangled in the pursuits of learning, that they abandon those they ought to protect. Some therefore think, that they would have no concern with the government, unless they were forced to it; but still, it would be more commendable, if they were to undertake it voluntarily. For even this, though a right thing in itself, is commendable only when it is voluntary. There are others who either *selfish* from a desire to improve their private fortune, or from some personal resentments pretend that they mind their own affairs, only that they may appear not to wrong their neighbours. Now such persons in avoiding one kind of dishonesty strike upon another: because they abandon the *fraternity* fellowship of life by employing in it, none of their zeal, none of their labour, none of their abilities. Having thus stated the two kinds of dishonesty or injustice, and assigned the motives for each kind, and settled previously the proper requisites of honesty or justice, we may easily (unless we are extremely selfish) form a judgment of our duty on every occasion.

For, to concern ourselves in other people's

affairs, is a delicate matter. Yet Chremes, a character in Terence, thinks, that there is nothing that can befall mankind in which he does not think he has a concern. Meanwhile, because we have the quicker perception and sensation of whatever happens unfavourably or untowardly to ourselves, than to others, which we see as it were at a greater distance, the judgment we form of them is very different from what we form of ourselves. It is therefore a right maxim, to do nothing when you are doubtful whether it is honest or unjust; for whatever is honest is self-evident, but doubt implies suspicion of injustice.

circumstances X. But upon certain occasions, it frequently happens, that those duties which form the characteristics of an honest and a worthy man, are altered and changed to their contraries. For example, to return a deposit, to perform a promise, and other matters that are relative to truth and honesty, sometimes alter so much through circumstances, that it is just they should not be observed. For it is proper to have recourse to those fundamentals of honesty which I have already laid down; in the first place, that of injuring no person; and secondly, that of being subservient to the public good. When there is an alteration in circumstances, the complexion of the duty is changed likewise, for it is not unalterable.

*requiring
no one
good*

A promise as a paction may happen to be made, the performance of which may be prejudicial either to the party promising, or to the party to whom the promise is made. For (as we see in the play)* had not Neptune performed his promise to Theseus, the latter would not have lost his son, Hippolitus. For we are told, that of three wishes to be granted him, the third, which he made in a passion, was the death of Hippolitus, which, when it was granted, threw him in the most dreadful agonies. Therefore you are not to perform those promises which may be prejudicial to the party to whom you promise: nor if they may be more hurtful to you than they can be serviceable to him. It is inconsistent with our duty, not to prefer the greater obligation to the less. For instance, suppose you should promise to appear in court in favour of another person while his cause is depending; now, if your son was to be seized violently ill, in the mean time, it would be no breach of duty in you not to perform what you promise; the other person would rather be guilty of that breach, if he should complain that he was given up. Having said thus much, there can be no manner of doubt, that a man is not bound by those promises which he makes either under the influence of fear, or through the seduction of deceit. Many such promises are cancelled by the edict of the

* *Play.*] Written by Eurypides.

prætor's court, some by general acts of the legislature. For very often a man may be wronged by a wrong representation of the fact; and by a too artful, but malicious, construction of the law. Hence, 'the rigour of law, is the rigour of injustice,' is a saying that is now worn into a proverb. We have known many scandalous things of this kind happen, even in the occurrences of government. Thus, when a general had concluded a truce with his enemy for thirty days, yet ravaged that enemy's territories every night, because the truce was only for so many days, without any mention of nights. Nor indeed is the conduct of our countryman, Quintus Fabius Labeo, to be approved of, or, whoever he was (for I have the story only by report), who being appointed an arbiter by the senate, to settle a boundary between the people of Nola, and those of Naples, counselled each of those people, severally, to do nothing that might look like greediness or forwardness, and that each ought rather to draw back than advance. Both of them taking this advice, a space of unoccupied ground was left in the middle. He therefore adjudged to each people, the boundary to which they had confined themselves, and all that was in the middle, to the people of Rome. This was not a judgment, but a gross cheat, and we ought to avoid all tricks of that kind in all our transactions.

XI. Certain duties are to be observed, even towards those who have wronged you. For there is a mean even in revenge and punishments. Nay, I am not certain whether it is not sufficient for the person who has injured you to repent of what he has done, so that he may never be guilty of the like to come ; and may be a warning for others not to be so forward to offend in the same manner. Now, in government, the laws of war are to be punctually observed ; for there were two manners of disputing, one by debating, the other by fighting ; the former characterises men, the latter brutes ; but if the former fails, recourse must be had to the latter. Wars, therefore, are to be undertaken, that we may live in peace, without being injured. But when we obtain the victory, we must preserve those enemies who behaved without cruelty or inhumanity during the war : for example, our forefathers received, even as members of their state, the Tuscans, the Æqui, the Volscians, the Sabines, and the Hernici, but utterly destroyed Carthage and Numantia. I am unwilling to mention Corinth, but I believe they had some motive, and particularly, they were induced to destroy it, lest the advantages of its situation should invite the inhabitants to make war in future times. In my poor opinion, we ought always to hearken to peace, where it is fair, and without deceit and subterfuge. Had my voice

WW

been followed on this head, we might still have had some form of government (though perhaps none of the best), whereas, now, we have none. If we are to regard those enemies whom we conquer by strength, we are likewise to protect those who throw themselves upon the honour of our general, and lay down their arms, even though the battering rams should have struck their walls. In this respect, the Roman government so scrupulously observed the rules of justice, that it was a custom among our ancestors, that they who received, under their protection, cities, or nations conquered in war, became their patrons.

Now the justice of war was most religiously pointed out by the ceremonial law* of the Romans. From that we are given to understand, that no war is just, unless it is undertaken to reclaim property,† or unless it is solemnly de-

* *Ceremonial law.*] Orig. *Fœciali jure*. I don't know that we have a proper English term for this law. The powers of the College of the Fœciales came the nearest of any thing we have in England, to those of the earl marshal, and some branches of it still remain with the college of heralds. Their institution, however, as appears by this and other parts of our author's works, was far from being only ceremonial; for they were the judge of the sense of treaties, of the justice of peace and war; and they were amongst the oldest orders in Rome, being instituted by Numa Pompilius.

† *To reclaim property, &c.*] The formal and public declaration of war, was an indispensable preliminary to it among the Romans. This declaration was either conditional or

nounced and proclaimed beforehand. Popilius, when a general, held a province where Cato's son served in his army; it happened that Popilius thought proper to reduce the legion in which he served, and he dismissed Cato's son at the same time. The young man, however, liked a military life so well, that he remained in the army. But his father wrote to Popilius, that if he suffered him to continue in the army, he should for a second time give him the military oath; because being free from the first, he could not lawfully fight with the enemy.

So very exact were they in matters of warfare. In the letter which old Cato wrote to his son on this occasion, he tells him, "That he heard he had got his discharge from the consul, while he was serving as a soldier in Macedonia, during the war with Perseus; he therefore enjoins him to take care not to enter upon action; because it was not lawful for a man who is not a soldier, to fight with an enemy."*

laws of
warfare

simple. The conditional was, when it was made *cum rerum repetitione*, which sometimes not only implied satisfaction for property, but punishment upon the offender. A simple declaration was without any condition, as when an injury could not be repaired; or when war was first declared by the other party. See *Grotius*, Lib. III. Chap. 3. *De jure Belli*, &c.

* *Enemy*.] This is a very extraordinary story, and shows the difference between the ancient and modern way of making war. I am not sure, however, whether there is not somewhat too scrupulous in old Cato's delicacy. No war can be just,

XII. And indeed there is one thing very remarkable, that a principal in war, with us, is called a *Hostis*, and thereby the softness of the appellation, lessens the horror of the thing. For our ancestors called those *Hostis* whom we call strangers: This can be proved by expressions from the twelve tables; for instance, 'a day appointed for the *Hostis* to plead;' and again, 'a Roman's right of property against a *Hostis* never prescribes.' What can be more completely polite than this? To call those with whom you were at war, by so soft an appellation? It is true that length of time has affixed an harsher signification to this word, which is now never applied to the stranger, but to him who carries arms against us.

Meanwhile, when we fight for empire, and when we seek glory in arms, all those grounds of war which I have already enumerated to be just ones, must absolutely enter into such a war. But wars that are founded upon the glory of conquest alone, are to be carried on with less rancour. Thus we treat a fellow-citizen in a different manner as a foe, than we do, as an antagonist. As the latter, the struggle is for

but what is undertaken for the public good, in which every man is a party; and though a military oath is necessary for preserving discipline and subordination, yet every man is justified, upon general principles, in acting, even offensively, against the enemies of his country.

glory and power, as the former for life and reputation. Thus we fought against the Celliberians: we fought against the Cinbrians, as against enemies; the question was not who should command, but who should exist. We fought for command against the Latines, the Sabines, the Samnites, the Carthagenians, and Pyrrhus; the Carthagenians, 'tis true, were faithless, and Hannibal was cruel, but the others were better principled. The speech of Pyrrhus about ransoming the captives, is a fine one, and to our purpose:—

In war not crafty, but in battle bold,
 No wealth I value, and I spurn at gold.
 Be steel the only metal shall decree
 The fate of empire, or to you or me.
 The gen'rous conquest be by courage try'd,
 And all the captives on the Roman side,
 I swear, by all the gods of open war,
 As fate their lives, their freedom I will spare.

This sentiment is truly noble, and worthy the blood of the Eacidæ.

XIII. Nay, if even private persons should, upon certain emergencies, make a promise to the enemy, they ought to observe it. Thus *Regulus*,* when he was made a prisoner by the Carthagenians, in the first Punic war, being sent to Rome to treat of an exchange of prisoners, he swore that he would return. The first thing

* *Regulus.*] This passage is I think a strong proof that the story of *Regulus* is not, as some would have it, a meer fiction.

he did when he came to Rome, was to deliver his opinion in the senate against the exchange, and after that, when his relations and friends sought to detain him, he chose to deliver himself up to a cruel death, rather than to falsify his word to the enemy.*

With regard to the second Punic war; after the battle of Cannæ, Hannibal sent ten Romans to Rome, under an oath that they would return to him, unless they procured the prisoners to be ransomed. But the censors disfranchised and mulcted in an annual fine, as long as they lived, all of them that were perjured, as well as him who devised an evasion of his oath. For when, by the leave of Hannibal, he had left the camp, he returned soon after, under pretext of having forgot somewhat, and then again leaving the camp, he pretended that he was free from the obligation of his oath, which he was with regard to the words, but not the meaning of it. For the moral obligation lies in the sense, and not in the words of an oath. But our forefathers set us a most eminent example of justice towards an enemy. For when a deserter from Pyrrhus, offered to the senate to despatch that prince by poison, the senate and C. Fabricius delivered the traitor up to Pyrrhus. Thus they dis-

* This section is not admitted to be genuine, and in the original it is distinguished by different characters.

approved of taking off by treachery, an enemy who was powerful, and was carrying on against them an unprovoked war.

Having said thus much of the warlike duties, I must put you in mind, that justice is due even to the lowest of mankind; and nothing can be lower than the condition and fortune of a slave. And yet it is no unreasonable rule to put them upon the same footing as hired labourers, oblige them to do their work, but to give them their dues. Now, as injustice may be done two ways, by force or fraud; fraud is the property of a fox, force of a lion; both are utterly repugnant to society, but fraud is the most detestable. But in the whole system of villany, the capital villain is he who, in practising the greatest crimes, deceives under the mask of virtue.

XIV. Having thus treated of justice, let me now, as I proposed, speak of beneficence and liberality, virtues, that are the most agreeable to the nature of man, but they are to be practised with great circumspection. For, in the first place, we are to take care lest our kindness should hurt both those whom it is meant to assist, and others. In the next place, it ought not to exceed our abilities; and it ought to be adapted to the deserts of the object. This is the fundamental of justice to which all I say here is to refer. For they who do kindnesses which prove of disservice to the person they pretend to oblige,

justice
the enemy
one

force
fraud

deceit

beneficence
liberality

are neither beneficent nor generous, but execrable sycophants. And they who injure one party in order to be liberal to another, are guilty of the same dishonesty, as if they should appropriate to themselves what belongs to another.

Now, many, and they especially who are the most ambitious after grandeur and glory, rob one party to enrich another; and account themselves generous to their friends if they enrich them at any rate. This is so far from being consistent with, that nothing can be more contrary to, our duty. Let us therefore still practise that kind of generosity that is serviceable to our friends, but hurtful to none. Upon this principle, when Lucius Sylla and Caius Cæsar took property from its just owners, and transferred it to others, in so doing they ought not to be accounted generous; for nothing can be generous that is not just.

Our next part of circumspection is, that our generosity never should exceed our abilities. For they who are more generous than their circumstances admit of, are guilty of a capital error, by wronging their relations; because they bestow upon strangers those means which they might, with greater justice, give, or leave, to their relations. Now a generosity of this kind is generally attended with a lust to ravish and to plunder, in order to be furnished with the means to give away. For it is easy to observe, that

most of them are not so much by nature generous, as they are misled by a kind of pride to do a great many things to get themselves the character of being generous, and this kind of generosity is not so much the effect of principle, as of ostentation. Now such a disguise of disposition is more nearly allied to vanity than to generosity or virtue.

The third head of circumspection I proposed to treat of, was, that in our generosity we should have regard to merit; and consequently examine both the morals of the party to whom we are generous, and his disposition towards us, together with the general good of society, and how far he may have already contributed to our own utility. Could all those considerations be united, it were the more desirable, but the object, in whom is united the most numerous, and the most important of them, ought with us to have the preference.

XV. As society therefore is not composed of men who are absolutely perfect and completely wise, but of men who have great merit if they possess the outlines of worth, we are, I think, from thence to infer, that no man is to be neglected, in whom we can discern the faintest character of virtue. Now, our regard for mankind ought to be in proportion as a person is adorned with the milder virtues of modesty, temperance, and that very justice of which I

have so largely treated. These are the virtues that characterize a good man; for, generally speaking, resolution and greatness of soul exert themselves too impetuously in men who are not completely wise and perfect.

Having said thus much of morals; with regard to the kindness which a person expresses for us, our first duty is, to perform the most for him by whom we are most beloved. Now we are to judge of kindness, not like giddy, young boys, by a fit of love passion, but by its firmness and perseverance. But if its merits are such, that we are not to court, but to requite the kindness, the greater ought our care to be; for there is no duty more indispensable than to pay our gratitude where it is due. Now if, as Hesiod enjoins, we ought if it is in our power to repay a loan with interest, how ought we to act when called upon by kindness? Are we not to imitate those rich grounds which yield a greater crop than they receive seed. For, if we readily oblige those, who, we are in hopes, will serve us, how ought we to behave towards those who have served us already? For as generosity is of two kinds, the one, conferring a favour, the other, repaying it: the conferring it is our own option; but the not repaying it is incompatible with the character of a good man, providing he can repay it without injury to any. We are likewise to have regard to the degrees of favours, and

doubtless we owe the greatest acknowledgments where the greatest kindness is conferred. Meanwhile we are, above all things, to consider the spirit, the zeal, and the meaning with which a favour is conferred. For many confer their favours through caprice, without any judgment, upon all mankind promiscuously, as if influenced by a disease, or a sudden whirl of mind, that carries them away like a hurricane: such favours are not to be rated so high, as those which result from judgment, consideration, and constancy. But in conferring or requiting kindness, the chief rule of our duty ought to be, if all other circumstances are equal, to confer most upon the man who stands in greatest need of it. The reverse of this is practised by the generality, who direct their greatest services to the men from whom they hope the most, though they stand in no need of them.

XVI. Now society and alliances amongst men would be best preserved if the greatest benefits were conferred where there is the nearest relation. But we ought to go higher if we are to investigate the natural principles of intercourse and community amongst men. The first is, that which is perceived in the society of the whole human race, and its chain is formed by speech and reason, which by teaching, learning, communicating, debating, and judging, conciliate men together, and bind them into a

kind of natural society. There is nothing in which we differ more from the nature of brutes than in this ; for we very often allow them to have courage ; as for instance, horses and lions ; but we never admit that they possess justice, equity, and goodness ; because they are void of reason and speech. Now this is the kind of society that is most extensive with mankind amongst themselves, and it goes through all ; for here a community of all things that nature has produced for the common use of mankind, is preserved, so as that they may be possessed in the manner prescribed by laws and civil statutes. But every thing else is to be held according to the Greek proverb, “ that all things amongst friends are to be in common.” Now this community consists of things which are of that nature as is placed by Ennius under one head, but may be applied to many. “ He (says that author) who kindly directs the bewildered traveller in the right road, does as it were, light his lamp by his lamp ; which nevertheless continues to give light to himself after it has lighted the other.”

In this single instance, we are sufficiently enjoined to perform, even to a stranger, all the service we can perform without detriment to ourselves. Now the following sayings are common : “ That we are to debar no man from the running stream ;” “ That we are to suffer fire to be

kindled at fire ;” “ That we are to give faithful counsel to a person who is in doubt :” all which are particulars that are serviceable to the receiver without being detrimental to the bestower. We are therefore to practise them and be constantly contributing somewhat to the common good. As the means, however, of each particular person are very confined and the numbers of the indigent are boundless, our distributive generosity ought still to be regulated by the saying of Ennius : “ it must continue to give light to ourselves,” that we may still be possessed of the to be generous to our friends.

XVII. Now the degrees of human society are many. Not to speak of the unbounded kind I have already mentioned, there is one more confined, which consists of men of the same race, nation, and language, by which, people are more intimately connected among themselves. A more contracted society than that consists of men inhabiting the same city, for many things in cities are in common, such as their forum, their temples, their porticoes, their streets, their laws, their rites, their courts of justice, their trials, not to mention their customs and intimacies, with a great number of particular dealings and intercourses amongst themselves. There is a still more contracted degree of society which is, that of blood, and this closes, in a narrow point, the unbounded general association of the human race.

For, as it is a common natural principle among all animated beings, that they have a desire to propagate their own species, the first principle of society therefore consists in the cohabitation of man and wife, the next in children, the next in a family within one roof, where every thing is in common. This society gives rise to the city, and is, as it were, the nursery of the commonwealth. Next follows the connexion of brotherhood, next that of cousins, in their different degrees, and when they grow too numerous to be contained under one roof, they are transplanted to different dwellings, as it were to so many colonies. Then follow marriages and alliances, by which, our kinsmen are multiplied. The descendants, by this propagation, give rise to government. But the ties and affections of blood bind mankind by the most endearing considerations.

For there is something very powerful in having the monuments of our ancestors* the same, in practising the same religious rites,† and

* *Monuments of our ancestors.*] This was of great efficacy amongst the Romans, and the sight of the statutes of their ancestors was a powerful incitement to the brave, and a check to the wicked.

† *The same religious rites.*] Every great family amongst the Romans had certain deities, for whom they had a peculiar reverence, and this gave rise to the different forms of worship amongst them. This veneration generally rose from the tradition of their being descended from, or favoured by, those deities.

in having the same places of burying.* But amongst all the degrees of society, none is more excellent, none more stable, than, when worthy men, through a similarity of manners, are intimately connected together. For, as I have often said, even when we discern the *honestum*† in another, it touches us and makes us friends to the man who possesses it.

Now though virtue, of every kind, attracts and charms us to the love of those who possess it, yet that love is strongest that is effected by justice and generosity. For nothing is more lovely, nothing is more binding, than a similarity of manners amongst worthy men; because amongst those, whose pursuits and pleasures are the same, every man is pleased as much with his neighbour, as he is with himself; and that is effected which Pythagoras took to be the highest effort of friendship: “for many become one.” A strong com-

* *Places of burying.*] The Romans were so religious in this respect, that even when they parted with their estates, they kept the sepulchres of their ancestors, and a right to a way to come at them.

† *Honestum.*] I have not ventured to translate this word, because I know no single word in the English language to express it. The word virtue does not; because our author plainly distinguishes between the *honestum* and *virtus*. The word honesty in English comes the nearest to it; but does not come up fully to the idea of the *honestum*, which properly implies graceful virtue. One of our modern poets, I think, has expressed it prettily by calling it the moral *verus*.

munity is likewise effected by an interchangeable course of good offices ; which, by being mutual and agreeable, cement those together, amongst whom they happen, in indissoluble bonds of friendship.

But when we view every thing in the eye of reason, of all connexions none is more weighty, none is more dear than that between every individual and his country. Our parents are dear to us ; our children, our kinsmen, our friends, are dear to us ; but our country alone comprehends all the dearest endearments* of mankind. What good man would hesitate to die for her to do her service ? The more execrably unnatural therefore are they who wound their country† by every species of guilt, and who now are, and have been employed in her utter destruction. But were we to form a computation or an estimate of the chief objects of our duty, the principal are our country and our parents, to whom we are bound by the strongest obligations. The next are our children and family, who depend upon us alone without having any other refuge. The next, our agreeable kinsmen, who generally share our fortune in common. The necessary supports of life therefore are due chiefly to those

* *Dearest endearments.*] Orig. *Omnes omnium charitates.*

† *Wound their country.*] Our author wrote this soon after Cæsar's death when Mark Antony was endeavouring to continue his tyranny.

I have already mentioned. But the mutual intercourses of life, counsels, discourses, exhortations, consultations, and even sometimes reproaches, are the attributes of friendship, and those friendships are the most agreeable that are cemented by a similarity of manners.

XVIII. But in performing all those duties, we are carefully to consider the several necessities of the objects, and in what every one of them can, or cannot serve themselves without us. Therefore the ties of blood must sometimes give way to the objects of necessity. Some duties are owing to some preferably to others. For instance, you are sooner to help your neighbour to inn his corn,* than your brother or your friend; but in the case of a law-suit, you are to take part with your kinsman, or your friend, rather than with your neighbour. These considerations therefore and the like, ought to enter into every duty, and we ought to keep ourselves in use and practice that we may be able to keep the accounts of our duties, and by adding or subtracting to strike the balance,† by which we

* *To inn his corn.*] The Romans in this respect were very neighbourly; for, from several passages of the ancients it was usual for a farmer to summon all his neighbours to help him both to cut down and inn his corn.

† *Strike the balance.*] The commentators have raised a great dust about this passage in the original, but I think, nothing can be plainer than it should stand as I have translated it.

can see the proportion to which every party is entitled.

But as neither physicians, nor generals, nor orators, however perfect they may be in the theory of their several arts, can ever perform any thing that is great without experience and practice: thus, I have laid down rules for the observation of duties; and others have done the same, but the importance of the matter demands experience and practice. I have now I think sufficiently treated of the manner in which the *honestum* which gives the fitness to our duties, arises from those matters that come within the rights of human society.

It must be understood, however, at the same time, that when the four springs from which virtue and honesty arises are laid open, that which is done with a great, elevated, and disinterested spirit, will always make the noblest figure. Therefore the highest of all reproaches is somewhat of the following kind:—

Young men, ye carry but the souls of women,
That woman of a man—

Or somewhat of the following kind:—

Give me a trophy without toil or danger.

On the other hand we are, I don't know how it is, inspired with a fuller elocution when we praise actions performed with magnanimity, with fortitude, and virtue. From hence, Marathan, Salminæ, Plataea, Thermopylæ, Leuctra,

have become the themes of rhetoricians; and amongst ourselves, Cocles, the Decii, the two Scipiones, Cneius and Publius, Marcus Marcellus, and a great many others. But above all the Roman people in general are distinguished by elevation of spirit; for their fondness for military glory appears from their statues being generally dressed in warlike habits.

XIX. But that magnanimity that is discovered in being exposed to toil and danger, if not founded on justice, and directed to public good, but influenced by self-interest, is blameable. For so far from being a character of virtue, it indicates a barbarity, that is destructive of humanity itself. The Stoics, therefore, define fortitude rightly, when they call it 'virtue fighting on the side of justice.' No man, therefore, who has acquired the reputation of fortitude, ever attains to glory by deceit and malice; for nothing that is unjust can be virtuous.

It is, therefore, finely said by Plato, that as the knowledge that is divested of justice, deserves the appellation of cunning, rather than wisdom, so a mind unsusceptible of fear, if animated by private interest, and not public utility, deserves the character of audaciousness, rather than of fortitude. We, therefore, require, that all men of courage and magnanimity should be, at the same time, men of virtue and of

simplicity, lovers of truth, and enemies to all deceit: for these are the main characters of justice.

But there is one disagreeable circumstance, that obstinacy, and an undue ambition for power, too naturally shoot up from this elevation, and greatness of spirit. For, as Plato tells us, that all the character of the Lacedemonians was, to be fired with a desire to conquer; thus the man who is most distinguished by his magnanimity, is most animated by the ambition of being the leader, or rather the master of all. Now it is a difficult matter in a man, who desires to excel in every respect, to preserve that equanimity, which is the characteristic of justice. Hence it is, that they will not suffer themselves to be thwarted in a debate, nor by any law, either general or constitutional; and in public matters they are commonly guilty of corruption and faction, in order to strengthen their interest all they can, and they choose to be superiors through power, rather than equals in justice. But the more difficult the task of correcting this abuse is, it is the more glorious; for no exigency can happen, that ought to be void of justice.

They, therefore, who oppose, not they who commit injustice, are to be deemed brave and magnanimous. Now genuine and well conducted magnanimity judges that the honestum which is nature's chief aim, consists in realities,

and not in appearances; and rather chooses to have, than to seem to have a superiority in merit. For the man who is swayed by the prejudices of an ignorant rabble, is not to be rated in the ranks of the great. But the man of a spirit the most elevated and the most ambitious of glory, is the most easily pushed on to acts of injustice. This is a ticklish and a slippery situation; for scarcely can there be found a man, who after enduring toils, and encountering dangers, does not pant for popularity, as the reward of his exploits.

XX. It is certain that a brave and an elevated spirit, is chiefly discernible by two characters. The first consists in despising the outside of things, from this conviction within itself, that a man ought to admire, desire, or court nothing but what is virtuous and becoming; and that he ought to sink under no human might, nor yield to any disorder, either of spirit or fortune. The other character of magnanimity is, that possessed of such a spirit as I have pointed out, you enter upon some undertaking, not only of great importance in itself, and of great utility to the public, but extremely arduous, full of difficulties, and dangerous both to life, and many of its concomitants.

In the latter of those two characters consist glory, majesty, and, let me add, utility; but the causes and the efficient means that form great

men, is in the former, which contains the principles that elevate the soul, and gives it a contempt for temporary considerations. Now this very excellence consists in two particulars ; you are to deem that only to be good that is virtuous ; and you must be free from all mental disorder. For we are to look upon it as the character of a noble and an elevated soul, to slight all those considerations that the generality of mankind account great and glorious, and to despise them, upon firm and durable principles ; while strength of mind and greatness of resolution is discerned, in bearing those calamities, which, in the course of man's life, are many and various, so as not to be driven from your natural disposition, nor from the character of a wise man. For there is great inconsistency in a man, if after being proof against fear, he should yield to passion ; or if, after surmounting toil, he should be subdued by pleasure. It ought, therefore, to be a main consideration with us, to avoid the love of money ; for nothing so truly characterises a narrow, grovelling disposition, as avarice does ; and nothing is more noble and more exalted than to despise riches, if you have them not, and if you have them, to employ them in virtuous and generous purposes.*

* A reader of very ordinary erudition, may easily perceive how greatly the best historians and poets amongst the Romans were indebted to this and the foregoing chapter, which have served as a common place for their finest sentiments.

An inordinate passion for glory, as I have already observed, is likewise to be guarded against; for it deprives us of liberty, the only prize for which men of elevated sentiments ought to contend. Power is so far from being desirable in itself, that it sometimes ought to be refused, nay, resigned. We should likewise be free from all disorders of the mind, from all violent passion and fear, as well as languor, voluptuousness, and anger, that we may possess that tranquillity and security which are attended with both uniformity and dignity. Now many there are, and have been, who courting that tranquillity which I have mentioned here, have withdrawn themselves from public affairs to take refuge in retirement. Amongst these, some of the noblest and most leading of our philosophers, and some persons of strict and grave dispositions, were unable to bear with the manners either of the people or the directors; and some have lived in the country amusing themselves with the management of their private affairs. Their aim was truly royal, that they might enjoy their liberty, without wanting any thing, or obeying any person; for the characteristic of liberty is, to live as you incline.

as well as desire for glory

hermits

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XXI. Therefore, as it is a maxim in common with those who are ambitious for power, and with those who court retirement, and whom I have just now described, that the former imagine

desire for glory — desire for security

they can enjoy liberty, if they are possessed of great interest, and the latter, if they can be contented with their own, be it ever so little ; in respect, the sentiments of neither are to be absolutely rejected. But a life of retirement is more easy, more safe, less tiresome, and less troublesome than any other ; while the life of those who apply themselves to the affairs of government and to the management of a state, is more beneficial to mankind, and more conducive to glory and renown.

Allowances, therefore, are to be made to those, who, having no management in public matters, but happy in an excellent genius, give themselves up to learning. And to those who through want of health, or for some very weighty reason, retire from affairs of government, and leave to others, the power and the honour of the administration. But when men, who have none of those reasons to plead, say, that they despise that power and those offices which most admire ; such men are so far from deserving praise, that they incur censure. It would, it is true, be unjust to condemn their despising and undervaluing pomp ; but then, they seem to dread the toils and troubles of affronts and repulses, as containing ignominy and infamy. For some there are, who, in opposing qualities, are very inconsistent with themselves ; they spurn at pleasure, but they droop in pain ; they despise pageantry, but sink under unpopularity ; and

that too, not greatly to the credit of their reputation for consistency of character.

But the men whom nature has endowed with qualities for government, ought, laying aside all excuses, to undertake the discharge of all public offices and the management of state affairs. For neither can a state be governed, nor can magnanimity display itself by any other means. I am not, however, sure whether statesmen ought not to be equally elevated in their sentiments as philosophers, if not more so, and impressed with a contempt of all transitory enjoyments, and to possess that tranquillity, that calm of mind, I have so much recommended ; I mean, if they wish to live without anxiety, with dignity and uniformity.

This may be the more easily practised by philosophers, because their lives are less exposed to accidents from the strokes of fortune ; because their necessities are more contracted, and because in case of misfortune their fall will not be so severe. It is not, therefore, without reason, that the mind is more liable to the violence of passion, and mightier matters are to be attempted by those who undertake the management of public affairs, than by those who are retired ; they, therefore, ought to possess greater elevation of spirit and be more absolutely free from disquiets. But, whoever enters upon public life, ought to take care that the virtue of

a measure be not his sole consideration ; for he ought to provide at the same time the means of carrying it into execution. In this he is chiefly to take care that indolence does not make him meanly despond, nor confidence madly presume. Thus, in all attempts, we ought to be very assiduous in our preparations.

XXII. But I must* here combat a prevailing opinion that the glory of military exploits is preferable to that of civil employments. For many, as generally is the case with high minds and enterprising spirits, especially if they take a military turn and are fond of warlike achievements, court all opportunities of war from their fondness for glory. But if we are at the pains to examine, many are the employments in civil life of greater importance, and of more renown, than in military.

The memory of Themistocles, it is true, has a title to fame ; his name is now more illustrious than that of Solon,† and his glorious victory at

* *I must.*] It would be an affront to the perspicuity of our author's style and sentiments to offer any explanation of what he has laid down immediately above, but we cannot help observing that, in this chapter, he is unable to controul his vanity, or, perhaps, to stifle his jealousy, lest he should not appear so considerable as he wished to appear, in the eyes of his countrymen. See his Oration for Muræna, where he lays down a very different doctrine with very great plausibility.

† *Solon*]. Posterity, however, has made Solon ample amends as a philosopher, but not in the light in which he is here placed as a legislator.

Salamis is mentioned preferably to the policy of Solon by which he first confirmed the power* of the Areopagus ; yet must I think that the merits of Solon were not inferior to those of Themistocles. The victory of Themistocles availed his country only for once, the policy of Solon avails it perpetually ; because, by it the laws of the Athenians and the constitution of their country are preserved. Now the authority of Themistocles gave no strength to the Areopagus, but he received strength from them ; for the war was carried on by the direction of the senate that was constituted by Solon.

We may make the same observation with regard to Pausanias and Lysander amongst the Lacedemonians ; for all the addition of empire

* *First confirmed the power.*] Orig. *Quo primum constituit Areopagus.* I own, that I cannot help suspecting that our author strains too hard here to carry his favourite point. Any man of common knowledge in the Latin tongue, by the expression of the original, must conclude that Solon was the first who constituted the powers of the Areopagus. Now it is most certain, from all history, that the Areopagus was instituted by Cecrops, the founder of Athens itself ; and that in the third year of the forty-sixth Olympiad (about 355 years after) when Solon was made archon, he introduced several innovations in the Athenian laws, but (see *Arist. Pol. L. 11*), he approved of the powers of the Areopagus ; and perhaps helped to restore it to its antient dignity. In short, I shall beg leave to refer the reader to our author's Oration for *Muræna* for a confutation of great part of what he says on this head, though it must be owned that there is great weight in his general principle.

which their conquests are supposed to have brought to their country, is not to be compared to the laws and economy of Lycurgus, by which the armies they commanded were distinguished for their discipline and courage. In my eyes the merits of Marcus Scaurus* (who flourished when I was but a boy), are not inferior to those of Caius Marius; nor after, I came to have a concern in the government, that Quintus Catulus deserved less than Cneius Pompeius of his country. An army abroad is but of small service, without a wise administration at home. Nor did that good man and great general, Africanus, perform a more important service to his country when he razed Numantia, than did that private citizen, P. Nasica, when at the same period he killed Tiberius Gracchus. An action, which it is true, was not merely of a civil nature; for it was partly military, as being the result of force and courage; but it was an action performed without an army and from political considerations.

That state, described by the following line, is

Scaurus] This great man owes his reputation with posterity, in a great measure, to our author, who, upon many occasions, quoted his example to justify his own conduct. He was consul of Rome in the year 646, along with Sergius Sulpicius Galba, and enacted the laws *de sumptibus*, *de libertinorum suffragiis* & *de Virili Togâ*, but our author ought to have informed us, that he was likewise a great general, and had the honour of a triumph.

best for a country, though I understand that I am abused for it by the wicked and malicious:

Arms, to the gown, and laurels, yield to lore.*

For, not to mention other instances, when I sate at the helm of government, did not "Arms yield to the gown?" For never did our country know a time of more threatening danger or more profound tranquillity. Yet such was my conduct, such was my application, that, in an instant, the arms of our most profligate fellow-citizens dropt out of their hands. Was ever warlike exploits equal to this? Or what foreign conquest can rival its merits?

The inheritance of the glory, and the imitation of my actions are to descend to you, my son Marcus, therefore I well may be somewhat vain with you upon this subject. It is, however, certain, that Pompey, who was possessed of every military accomplishment, did me the justice to say, in the hearing of many, that in vain would he have deserved his third triumph, had not my public services preserved the place in which he was to perform it. The examples of civil courage are therefore no less meritorious than those of military; and they require a greater share of pain and labour.

XXIII. Now all that *honestum* which springs

* Orig. *Cedant Arma Togæ, concedat Laurea linguæ*. The reader, no doubt, understands that our author is here speaking of his conduct in suppressing Cataline's conspiracy.

from elevation and extent of genius, is absolutely acquired by the mental, and not by the corporeal powers. Meanwhile, the body ought to be kept in such action and order, as that it may be always ready to obey the dictates of reason and wisdom, in carrying them into execution, and in persevering under hardships. But with regard to that *honestum* we are treating of, it consists wholly in the operations of the mind; by which they who govern, in time of peace, are equally serviceable to their country as they who command in time of war. For it often happens, that by such counsels, wars are either not undertaken, or they are finished; sometimes they are even declared; as the third punic war was owing to Marcus Cato,* whose authority was powerful, even after he was dead.

Wisdom in determining is therefore preferable to courage in fighting; but in this we are to take care that we are not swayed by an aversion to fighting, rather than by the principles of public spirit. Now in war, we ought to make it appear that we have no other view but peace. But the character of a brave and resolute man is

* *Marcus Cato.*] This was the elder Cato; but, Nasica and other great men of those days, in Rome, showed themselves greater politicians, by their opposing the utter extinction of Carthage, because when Rome had no rival to fear (*Remoto Carthaginis metu*, says Paterculus), she plunged into luxury, which brought on corruption and all other vices which at last ended in the loss of her liberty.

not to be ruffled with adversity, and not to be in such confusion, as to quit his post, as we say, but to preserve a presence of mind, and the exercise of reason, without departing from his purpose. Such are the properties of a great mind; but those of an elevated extensive genius lead us to discern by reasoning what will follow, and to determine beforehand what will happen to either party; and, upon that, what measures to pursue; and never be surprised so as to say, 'I did not think of it.' Such are the operations of a genius, capacious, elevated, of consummate prudence and determined resolution; but to rush precipitately into the field, and to encounter an enemy, has somewhat in it that is barbarous and brutal. When opportunity, however, and necessity require it, we are then to fight and to prefer death to shame or slavery.

XXIV. But with regard to overthrowing and plundering of cities, great consideration is required, that nothing be done rashly, nothing cruelly. A great man, after he has maturely weighed all circumstances, will punish the guilty; he will spare the many; and in every fortune he never will depart from an upright, virtuous conduct. For, as you find (as I have already observed) men who prefer military to civil duties, so will you find many of that cast who look upon dangerous and presumptuous resolutions to be more splendid and more dignified than calm and

digested measures. The avoiding danger ought never to bring us under the imputation of being irresolute and cowardly ; but, at the same time, nothing can be more stupid than wantonly to expose ourselves to danger.

In encountering dangers, therefore, we are to imitate the practice of the physicians who apply to gentle illnesses, gentle medicines, but are forced to apply more desperate, and more doubtful cures to more dangerous diseases. None but a madman will wish for a storm while he enjoys a calm, but every wise man will weather the tempest when it rises, by all the means he can employ ; and the rather, if, after a matter is cleared up, the good is to overbalance the evil, while it is doubtful. Now the danger attending high undertakings falls sometimes upon the undertakers, and sometimes upon the state ; and hence, some are in danger of losing their lives, some their reputation, and some their popularity. But we ought to be more forward to expose our own persons than the general interests to danger, and to be more ready to fight for honour and reputation than for any mercenary considerations.

Though many have been known cheerfully to venture not only their money but their lives for the public ; yet those very men have refused to risk the smallest spark of glory even at the request of their country. For instance, Calli-

cratidas, who after distinguishing himself by many gallant actions at the head of the Lacedemonian armies, during the Peloponesian war, at last threw every thing into confusion by refusing to obey the directions of those who were for removing the fleet from Arginussi, without fighting the Athenians. His answer was, that if the Lacedemonians lost that fleet, they could fit out another ; but that, should he turn his back, his disgrace would be irretrievable. 'Tis true, the blow that followed upon this was not very severe to the Lacedemonians ; but it was a deadly one, when, from a principle of jealousy, Cleombrotus fought with Epamonidas, and his army was routed. How preferable to this conduct was the conduct of Quintus Maximus.

The man* who saved his country by delay,
 No tales could move him, and no envy sway.
 And thus, the laurels on his honour'd brow,
 In age shall flourish, and with time shall grow.

This is a species of misconduct that ought to be avoided in civil matters ; for we know some men who are extremely right in their notions of things, but they are so afraid of being maligned that they dare not express them.

XXV. All who hope to rise in a state ought strictly to observe two rules of Plato. The first

* *The man.*] The verses quoted here by Ennius seem to have been in high reputation with the Romans, for Virgil has borrowed the first of them, and applied it, as our author does, to the conduct of Fabius Maximus against Hannibal.

*good of
Country*
*Care for
the whole
state*

is, that unmindful of their private concerns, they direct all their actions to the good of their country. The second is, that their cares be applied to the whole of the state, lest while they are cherishing one part, they abandon the others. For the administration of government, like a guardianship, ought to be directed to the good of those who confer, and not of those who receive the trust. Now, they who encourage one part of a community and neglect another, introduce into the state the greatest of all evils, sedition, and discord. From this partiality, some court the people, some the great men, but few the whole. This, amongst the Athenians, gave rise to great disquiets, and in our government, not only to seditions, but to the most destructive wars, which every worthy and brave citizen who deserves to rise in the state will avoid and detest: he will give himself entirely up to the service of his country, without regard to riches or to power, and he will govern the whole so as to consult the good of all. He will even be far from bringing any man into hatred or disgrace by ill-grounded charges, and he will so closely attach himself to the rules of justice and virtue, that however he may incur the heavy displeasure of others, he will preserve them even with his life, nay forego life itself rather than swerve from the principles I have laid down.

Of all evils, ambition, and the disputes for

public posts, are the most deplorable. Plato, likewise, on this subject, says very sensibly: "that they who dispute for the management of a state, resemble mariners wrangling about who should direct the helm." He then lays down as a rule, that we ought to look upon those as our enemies who take arms against the public, and not those who want to have public affairs directed by their judgment. For instance, Publius Africanus and Quintus Metellus differed in opinion, but their difference was void of rancour.

We are likewise to disregard all suggestions, as if a man of courage ought to push his resentments to extremes. For nothing is more noble, nothing more worthy of a great and a good man, than placability and moderation. Nay, amongst a free people, whose laws have no respect of persons, a smoothness, and what we may call a depth of temper is necessary, to prevent our falling into an idle, disagreeable, peevishness, every time we are ruffled by impertinent addresses or unreasonable petitions. Yet this politeness and moderation ought to be so tempered, that we remain inflexible in the interest of our country; otherwise there could be no carrying on public business. Meanwhile, all reprimands and punishments ought to be inflicted without abuse; without regard to the party so punishing or reprimanding, but to the good of the state.

deum sunt
We ought likewise to take care that the punishment be proportioned to the offence, and that some be not punished for doing things that are not so much as noticed in others. Above all things, in punishing we ought to guard against passion. For the man, who is to pronounce a sentence of punishment in a passion, never can preserve that mean between what is too much and too little which is so justly recommended by the Peripatetics; did they not too much commend the passion of anger, by asserting it to be a useful property of our nature. For my part, I think that it ought to be checked in all occurrences of life; and it were to be wished that they who preside in government were like the laws, which in punishing are not directed by resentments but by equity.

XXVI. Now, during our prosperity, and while we sail with the tide of fortune, we ought the more industriously to avoid pride and arrogance. For it discovers weakness to lose our temper in prosperity, equally as it does in adversity. It reflects great honour upon a man, if, as we learn of Socrates and Caius Lælius, through all scenes of life, he preserves the same temper of mind, the same look, and the same appearance. Though Philip of Macedon was inferior to his son in his achievements and his renown, yet was he superior to him in the accomplishments of politeness and humanity. The

one, therefore, always appeared great, while the other often became detestable. So much are they in the right who lay it down as a rule, that the more advanced we are in our fortune the more affable ought we to be in our behaviour. Panætius tells us, his hearer and friend, Africanus, used to say, that as horses, grown unruly by being in frequent engagements, are delivered over to be tamed by riding masters, thus men who grow riotous and self-sufficient by prosperity ought, as it were, to be exercised in the traverse of reflection and reason, that they may be thereby made sensible of the inconstancy of the world and the uncertainty of fortune.

Here you are to observe, that in the time of our greatest prosperity we should have the greatest recourse to the advice of our friends, who ought at that time to have greater weight with us than at any other. At such a juncture, we are to take care not to lend our ears to flatterers, and to avoid being imposed upon by adulation, which easily may mislead us. For we then think ourselves entitled to praise, an opinion that gives rise to a thousand errors in conduct; because, when men are once blown up with idle conceits, they are grossly befooled and led into the greatest mistakes. So much for this subject.

One thing you are to understand, that they who govern a state, perform the highest exploits and discover the most elevated sentiments, be-

*great man
should be
more generous
thoughtful*

*avoid
flattery*

cause their business is of such extensive influence and general concern. Yet there are and have been, many men of great capacities, who in private life have planned out, or attempted, mighty matters without exceeding their own sphere of action ; or, being thrown into a middle state, between philosophers and magistrates, have amused themselves with the management of their private fortune, without swelling it by all manner of means, not debarring their friends from the benefit of it ; but rather, when occasion calls upon them, sharing it both with their friends and their country. But let it be originally acquired with honesty, without any scandalous or oppressive practices. Let it become serviceable to numbers of worthy men. Let it then be improved by prudence, by industry, and frugality ; without serving the purposes of pleasure and luxury, rather than of generosity and humanity. The man who observes those rules may live with magnificence, with dignity, and with spirit, yet with simplicity and honour, and be all the while the friend of man.

XXVII. We are now to treat of that remaining part of virtue in which consist chastity, and those (as we may term them) ornaments of life, temperance, moderation, and a mind undisturbed by passion and regularly free. Under this head is comprehended what in Latin we may call

decorum (or graceful), for the Greeks term it the *ὑπέκτος*. Now its quality is such, that it is indiscernible from the honestum; for whatever is graceful is virtuous, and whatever is virtuous is graceful. *decorum*
o pr

But it is more easy to conceive than to express the difference between what is virtuous and what is graceful (or between the honestum and the decorum); for gracefulness, before it can appear as such, must have virtue for the foundation. What is graceful, therefore, appears not only in that division of virtue which is here treated of, but in the other three. For it is graceful in a man to think and to speak with propriety, to act with deliberation, and in every occurrence of life to find out and persevere in the truth. On the other hand, to be imposed upon, to mistake, to falter, and to be deceived, is as disgraceful as is dotage or madness. Thus, whatever is just is graceful; whatever is unjust is as disgraceful as it is criminal. We may say the same of courage. For every manly, generous action, dignifies and graces a man; the reverse both degrades and disgraces him.

This, therefore, what I call gracefulness, is an universal property of virtue, and a property that is self-evident without requiring any of the deep powers of understanding to discern it. For there is a certain gracefulness that is implied in every virtue; and which may exist distinctly *o property*
of virtue

from virtue, rather in imagination than reality. A fine air and beauty of person, for example, cannot be separated from health; thus, the whole of that gracefulness which I here speak of, is blended with virtue, but may exist separately in the mind and idea.

Now it falls under two heads. For there is a general gracefulness that is the property of all virtue; and that includes another which is fitted to the particular divisions of virtue. The former is commonly defined to be that gracefulness, that is adapted to the dignity of man's nature, in so far as it differs from that of the brutes. The included head is defined to be a gracefulness so adapted to nature, as to discover propriety and sweetness under a certain elegant appearance.

XXVIII. We may perceive those definitions to be true from that gracefulness which is followed by the poets, and which they treat so largely of, under another head. For we define gracefulness in poetry to be, when a person speaks and acts in that manner which is most becoming his character. Now should a poet introduce Æacus or Minos, saying:—

Let them hate me, so they fear me; or,
The father's belly is his children's grave,

he would disgrace his characters; because we know them to have been just persons. But when those sentiments are put into the mouth of an

Atreus, they are received with applause; because the speech is in character. Now poets form their judgment of this gracefulness from personated characters; but our character is the stamp of nature, dignified and raised far above the rest of the animal creation.

Poets, therefore, in their vast variety of characters, consider what is proper and what is becoming, even in the worst. But as nature herself has cast to us our parts in constancy, moderation, temperance, and modesty; as she at the same time instructs us how to behave to mankind, the effect is, that the extent both of that gracefulness, which is the general property of all virtue, and of that particular gracefulness that is adapted to every species of it, is discovered. For as personal beauty, by the proper disposition of the limbs, attracts our attention and pleases the eye by the harmony and elegance with which each part corresponds to another; so that gracefulness which enlightens life, attracts the approbation of society, by order, consistency, and modesty, in all we say and in all we do.

There is, therefore, a degree of respect due from us, suited to every man's character, from the best to the worst. For it is not only arrogant, but it is profligate, for a man to disregard the world's opinion of himself. But in our estimate of human life, we are to make a

*particular
respect -
notes*

*everyone
due respect*

* difference between justice and morality.* The character of justice, is to do no wrong, that of morality, is to give no offence to mankind ; and

* *Justice and morality.*] Orig. *Justiciam & verecundiam.* This is a very fine passage, and deserves to be explained. *Verecundia* is commonly translated bashfulness or modesty ; but in the sense of our author here, neither of those two words will do ; nor am I sure that the word decency, or any word in the English tongue, comes fully up to his meaning, which is, an inborn reverence for what is right, and which supplies the place of, and sometimes controls the law. Many actions may be agreeable to law, and yet disagreeable to this inborn principle. The tragedian Seneca has distinguished them very finely. He brings in Pyrrhus, saying,

Pyr. *Lex nulla capto parcit aut Pœnam impedit!*

To this Agamemnon replies.

Ag. *Quod non vetat Lex, hoc vetat fieri Pudor.*

Pyr. " No law exempts a captive from the sword."

Ag. " Where the law does not, moral duties bind."

Our author inculcates the same principle in many other parts of his works ; and it was afterwards admitted by Justinian into his Institutes. *Fide commissa appellata sunt, quia nullo vinculo Juris, sed tantum Pudore eorum qui rogabantur, continebantur.* " Deeds of trust were so called, because the party entrusted was not obligated by law, but by conscience or morality." Ovid has a very noble sentiment, which he seems to have taken from our author and from Plato.

*Nondum Justiciam Facinus mortale fugarat,
Ultima de superis illa reliquit Humum ;
Proque metu, Populum, sine vi, Pudor ipse regebat.*

" Nor justice yet had fled from human crimes,

" Of all their godheads she the last remain'd ;

" For awful conscience, in those happy times,

" Rul'd without fear, and without force restrain'd."

in this the force of the graceful is most perceptible. The explanation of those points will, I believe, lead you to a full apprehension of what we call the graceful or becoming.

Now the duty resulting from it, leads directly to the fitness and preservation of nature ; and if we follow its tract as a guide, we never shall err, but follow what is most penetrating and sagacious in nature ; whatever is best adapted to human society, and whatever is spirited or manly. But the chief force of the graceful lies in the division I now treat of. For we are to examine that bodily deportment which is most pleasing to nature, but much more the operations of the mind, the which are likewise best accommodated to her qualities. For the powers of the mind and of nature are two-fold ; one consists in appetite, by the Greeks called *oppun*, which hurries man hither and thither ; the other in

Verecundia or *Pudor*, therefore, is properly an inward abhorrence of moral turpitude, through which the conscience is awed, and may be said to blush. Plato, and from him Plutarch, makes justice and this *Verecundia* to be inseparable companions. " God (says the former) being afraid lest the human race should entirely perish upon earth, gave to mankind justice and morality, those ornaments of states, and the bonds of Society." Doctor Cockman, who I think understood our author very well, has translated *Verecundia* in this passage by three words, viz. modesty, respect or reverence ; but I don't think all the three come up to its sense. I am not even satisfied with my own term, morality, but I could not get one more proper in the English tongue.

reason, which teaches and explains what we are to do, and what we are to avoid. The result is, that reason should direct and appetite obey.

XXIX. Hence every human action ought to be void of rashness and slovenness; nay, we ought to do nothing for what we cannot give a justifiable account. For this amounts to almost a definition of duty. Now we must manage so as to keep the appetites subservient to reason, that they never hurry away before her, nor abandon her through sloth and cowardice. Let them be ever composed and free from all perturbation of spirit; and thus resolution and moderation will be displayed in their full extent. For those appetites that rove too far, and being as it were in a flurry, either through desire or aversion, are not sufficiently under the command of reason; such, I say, undoubtedly transgress both their end and their design. For they abandon and disclaim that subordination to reason, to which by the law of nature they are subjected, and thereby, not only the mind, but the body is disordered. Let us observe the looks of men who are in a rage, of those who are confused through desire, who despond through fear, or are in a twitter through too much joy; and what a strange alteration do we find in their faces, their voices, their motions, and attitudes!

That I may return to my description of duty; from these particulars we learn that all our

reason

said of
rashness &
slovenness

sub to reason

appetites ought to be contracted and cool ; that all our attention and cares ought to be awake, lest we commit some rash, random, thoughtless, inconsiderate action. For nature has not formed us to sport and merriment, but rather to seriousness and studies that are important and sublime. *Should be serious* Sport and merriment are not always disallowable ; but we are to use them as we do sleep and other kinds of repose, when we have despatched our affairs of greater weight and importance. Nay, our very manner of joking should be neither wanton nor indecent, but genteel and good humoured. For as we indulge boys only in those diversions that are consistent with genteel behaviour, so in our very jokes somewhat of a generous disposition ought to appear.

The manner of joking is reduceable under two denominations ; one that is illiberal, provoking, profligate, and obscene ; another that is elegant, polite, witty, and good humoured. *joking* We have abundance of this last, not only in our Plautus, and the authors of the old Greek comedy,* but in the writings of the Socratic philosophers. *discreetly or with* Many collections have likewise been made by various writers, of humorous

* *Authors of the old Greek comedy.*] Our author's judgment is very questionable in this passage. The old comedy of the Athenians was condemned even by Aristotle, for its lewdness and immorality ; and Horace thought that the wit of Plautus was sometimes, at least, illiberal.

sayings, such as that made by Cato, and called his Apophthegms. The distinction, therefore, between a genteel and an ill-mannered joke is a very ready one. The former, when time and inclination serves, is worthy a gentleman; the other, if obscene expression is joined to an immoral subject, is unworthy even of a man. There is likewise a certain method to be observed, even in our amusements, that they be not too dissipated, and that after being elevated by pleasure, we do not sink into some immorality. Our Campus Martius, and the sports of the field in hunting, furnish us with virtuous means of amusement.

Nature of man
XXX. But in all our disquisitions concerning the nature of a duty, it is material that we keep in our eye the great excellence of man's nature, above that of the brutes and all other creatures. They are insensible to every thing but pleasure, and they will risk every thing to attain it. Whereas, the mind of man is nourished by reading and reflection, and being charmed by the pleasure of seeing and hearing, it is ever either inquiring or acting. But if there is a man who has a small bias to pleasure, provided he is not of the brute kind (for some men differ from brutes only in name); but, I say, if he is ever so little elevated above instinct, though he may be smitten with pleasure, let him, through the principle of morality that is

within him, hide and disguise his inclination for it.

From this we are to conclude, that the mere ^{sensual} pursuits of sensual gratifications are unworthy ^{of} the excellency of man's nature; and that they ^{ought} therefore to be despised and rejected; but that if a man shall have a small propensity for pleasure, he ought to be extremely cautious in what manner he indulges it. We, therefore, in the nourishment and dress of our bodies, ought to consult not our pleasure, but our health and our strength; and should we examine the excellency and dignity of our nature, we should then be made sensible how shameful man's life is, when it melts away in pleasure, in voluptuousness, and effeminacy; and how noble it is to live with abstinence, with modesty, with ^{2. character} strictness, and sobriety.

We are likewise to observe, that nature has as it were, endowed us with two characters. ^{human} The first is in common to all mankind; because ^{active} all of us partake in the excellency of reason, ^{reason} which places us above the brutes; from which is derived all that is virtuous, all that is graceful, and by which we trace our connexions with our ^{particular} several duties. The other character is peculiar ^{character} to particular men. For as there is a great variety in our persons, some for instance are swift in running, others strong in wrestling; some have a dignity, and others a sweetness of

aspect, so is there a still greater variety in our minds.

Lucius Crassus* and Lucius Philippus had a great deal of wit ; but Caius Cæsar, the son of Lucius, had more, and it was better polished. Their contemporaries, Marcus Scaurus and young Marcus Drusus, were remarkably serious ; while Caius Lælius was frank and open ; but the mind of his friend Scipio was more ambitious and his manners more reserved. As to the Greeks, we are told of Socrates, that he was agreeable and pleasing ; his conversation was full of wit, and of that kind of archness (by the Greeks called *ἔριπον*) that hits all kinds of characters in discourse. On the other hand, Pythagoras and Pericles, without the least openness of temper, had great weight of authority. Amongst the Carthagenian generals, Hannibal, we learn, was crafty, as was Quintus Maximus amongst the Roman ; their peculiar talents were concealment, secrecy, dissimulation, and the rendering the designs of their enemies either abortive or advantageous to themselves. Amongst the Greeks, Themistocles, and Jason of Pherea, were eminent in this character ; and, above all, we are told how cunning and artful Solon was, when to secure his own life, and that he might be of greater service to his country, he counterfeited madness.

* *Lucius Crassus.*] See our Author's Treatise de Oratore, for more finished characters of most of these great men.

In opposition to those characters, the tempers of many others are plain and open. Their principles are to love truth, to abhor deceit, to do nothing by stealth, nothing by stratagem; while others care not what they suffer themselves, or whom they stoop to, provided they accomplish their ends: Sylla and Marcus Crassus, for examples. Lysander the Lacedemonian, we are told, had very great art and perseverance in this character, and of a contrary disposition was Callicrades, who succeeded to Lysander in the command of the fleet. We have known another man, who though very capable to lead a conversation, chooses to follow it in a mixed company; such were the Catuli, father and son, and such I knew Quintus Mucius Mancina to be. I have heard from men older than myself, that Publius Scipio Nasica was of the same cast, but that his father, the same who destroyed Tiberius Gracchus in his pernicious designs, was void of all politeness in conversation: nay, we are even told that Xenocrates, the most austere of philosophers, was distinguished as a polite and a fine gentleman. Innumerable, but far from being blameable, are the other differences in the natures and manners of men.

XXXI. Every man, however, ought carefully to follow that character that nature has given him, provided it is only peculiar, without being hurtful, that he may the more easily fall in with

*each should follow
his char.*

that gracefulness I am recommending. For we ought to manage so as never to counteract the general system of nature; but having taken care of that, we are to follow the sway of our own constitution; in so much, that though other studies may be of greater weight and excellence, yet we are to regulate our pursuits by the disposition of our nature. It is to no purpose to thwart her, or to aim at what you cannot attain. We therefore may have a still clearer conception of the graceful I am recommending, from this consideration, that nothing is graceful that goes (as the saying is), against the grain, that is, in contradiction and opposition to nature.

*uniformity
through life*

To proceed: if any thing is graceful, nothing is more so than an uniformity through the course of all your life, as well as through every particular occurrence in it; and you never can preserve this uniformity, if aping another man's nature, you forsake your own. For as we ought to converse in the language we are best acquainted with, for fear of making ourselves justly ridiculous, as those do who interlard their discourse with Greek expressions; so there ought to be no incongruity in our actions, and none in all the tenor of our lives.

Now, so powerful is this difference of natures, that it may be the duty of one man to put himself to death, and yet not of another, though both are embarked in the same cause. Can we

suppose the cause of Marcus Cato to have been different from that of those who surrendered themselves to Cæsar in Afric. Yet it had been perhaps blameable in the latter, had they put themselves to death, because their lives were less severe, and their morals more pliable. But Cato, having by perpetual perseverance, strengthened that inflexibility which nature had given him, and having never departed from the purpose and resolution he had once formed, chose to die, rather than to see, in peace, the face of a tyrant.

How various were those sufferings of Ulysses, in his incessant rambles, when he became the slave of women (if you consider Circe and Calypso as such), yet in all he said he was complaisant and agreeable to every body; nay, put up with abuses from slaves of both sexes that he might at length compass his favourite purpose. But by what we are told of the character of Ajax, he would have preferred a thousand deaths to such indignities.

They who consider all this ought to live according to their own endowments, and they ought to manage them without making any experiments how another man's become them; for that manner which is most peculiarly a man's own, always sits most gracefully upon him.

Every man ought, therefore, to study his own genius, so as to become an impartial judge of

his own good and bad qualities; otherwise the players will discover better sense than we; for, in casting their parts, they don't choose those that are the most excellent,* but those to which they are the best fitted. The best voices choose the part of Epigonas or Medus; the best actors that of Menalippa or Clytemnestra. Rupilius, whom I remember always stuck to that of Antiopa; and Esopus seldom chose that of Ajax. Shall a player then act with greater propriety upon a theatre, than a wise man does in life? Let us, therefore, most earnestly apply to those parts for which we are best fitted. But should necessity degrade us into characters unsuitable to our genius, if we cannot grace our parts, let us employ all our care, attention, and industry, in endeavouring to disgrace them as little as possible. For we are to endeavour to avoid absurdities rather than to attempt excellencies which nature has not given us.

XXXII. To the two characters above described is added a third, which is either accidental or occasional; and even a fourth: I mean that in which our own judgment is to direct our

* *Most excellent.*] From this passage of our author we may conclude, that there was no such thing amongst the Roman players as a favourite character, which a performer should think himself disgraced did he not appear in it; but that they thought that great abilities in the performance could make any character a favourite one; and that nature, joined with study, must direct the parts they were to act.

choice. Now kingdoms, governments, honours, dignities, riches, interest, and whatever are the qualities contrary to them, happen through accident, and are directed by emergencies. But the choice of the characters, in which we are to act our parts in life, lies in our own breasts. Some, therefore, apply to philosophy, some to the civil law, and some to eloquence. Some endeavour even to shine in one virtue, and some in another.

Men generally are ambitious of distinguishing themselves by those characters in which their fathers or their ancestors were most famous: for instance, Quintus, the son of Publius Mucius, in the civil law; Africanus, the son of Paulus, in the art of war. Some, however, increase by merits of their own, those that they have received from their fathers; for the same Africanus crowned his military glory with the practice of eloquence. In like manner, Timotheus, the son of Conon, who equalled his father in the duties of the field, but added to them the accomplishments of wit and learning. Sometimes, however, it happens, that men, without imitating their ancestors, follow a purpose of their own; and this is most commonly the case with such men whose descent is very mean, but their views very high.

In our search after what is graceful, all those particulars ought to be duly studied and weighed.

justice
2 moralite

3 destiny

4
Certainly

In the first place, we are to determine who and what manner of men we are to be, and in what rank we are to live ; a consideration, which is of all others the most difficult to determine. For, in our early youth, we are most incapable of reasoning, every one chooses to himself that station of life which he has been most used to fancy. He therefore is trepanned into some fixed and settled course of living, before he is capable to judge what is the most proper.

*influence
of family*
For the Hercules of Prodicus, as we learn from Xenophon, in his early puberty (an age which nature points out as the most proper for every man's choosing his scheme of life) is said to have gone into a desert, and there sitting down, entered into many deep considerations within his own breast, upon the choice of two paths that presented themselves to his eyes, one leading to pleasure, the other to virtue. This might indeed happen to a Jove-begotten Hercules ; but it is far from being our case, who imitate those whom we have an opinion of, and are thereby drawn into their pursuits and purposes. For generally we are so prepossessed by the principles of our parents, that we are moulded according to their form and habit. Others, swayed by the general choice, are passionately fond of any thing that is preferred by the majority. A few, however, either through a certain happiness, or a certain excellency of nature, or through the forming

care of their parents, pursue the path of life that is best calculated for their genius.

XXXIII. Now it happens very seldom that men born with an exalted genius, or improved by the advantages of education and learning, or possessing both, have scope enough for deliberating upon a proper scheme of life, and in such a deliberation the whole result of it ought to be determined by a man's consulting his own genius. For since, as I said before, we require that graceful in every thing to which our natural genius leads us, before we fix the plan of our future life, we ought to be still much more careful in that respect, that we may be consistent with ourselves, and not deficient in any one duty.

But because nature is the most powerful agent in our attaining this character, and fortune the next, we ought to pay regard to both in fixing our scheme of life; but chiefly to nature, as being endowed with much more permanency and perseverance; insomuch, that the struggle, sometimes between nature and fortune seems to be between, a mortal and an immortal being. The man, therefore, who adapts his whole system of living to his undepraved nature, let that man stick to his resolution. For that, above all things, becomes a man, provided he is not sensible that he has mistaken his scheme of living. Should that, as it possibly may, be the case, all

*nature & fort.
une déterm.
our char.*

his manners and purposes must undergo a total alteration, which, if other circumstances shall concur, will be the more easily and readily effected. But should it happen otherwise, it is to be done leisurely and gradually. Thus, men of sense think it more decent, that disagreeable or prejudicial friendships should be gradually untacked, rather than suddenly cut up.

Now, after we have altered our scheme of life, we ought to be at all imaginable pains to make it appear, that we have done it upon good grounds. But, as I said above, if we are to imitate our ancestors, we ought, above all things, to avoid imitating their bad qualities. In the next place, if by nature we are unable to imitate them, in some things we are not to attempt it. For instance, the son of the elder Africanus, who was the son of Paulus, adopted this maxim, as he could not, for want of health, resemble his father so much as his father did his grandfather. If, therefore, a man is unable to excel in pleading, to entertain the people by haranguing, or to make a figure in war; yet still he ought to do what is in his power; he ought to practice justice, honour, generosity, modesty, and temperance, the better to cover his other deficiencies. Now the best inheritance a parent can leave a child, and it is an inheritance beyond all the gifts of fortune, is the example of a virtuous and a noble conduct; and he who disgraces that paternal glory,

ought to be deemed an outcast, and a monster of nature.

XXXIV. As every duty is not suited to every age, some belonging to the young, others to the old, we must likewise say somewhat on this head. It is the duty of a young man to reverence his elders, and amongst them to select the best and the worthiest, in order to be directed by their advice and authority. For the inexperience of youth ought to be instructed and conducted by the wisdom of the aged. Above all things, the young man ought to be restrained from lawless desires, and patient under the practice of all the laborious duties both of body and mind, that by persevering in them, he may make a figure both in war and peace. Nay, when they even unbend their minds and give a loose to jollity, they ought to avoid intemperance, and never lose sight of morality; and this they can more easily effect, if upon such occasions they admit the company of their elders.

As to old men, in proportion as they abate in bodily exercises, the exercises of their mind ought to increase. Their aim should be to assist all they can their friends, the youth, and above all their country, by their advice and experience. Now there is nothing that old age ought more carefully to guard against, than giving itself up to listlessness and indolence. As to luxury, though it is shameful in every age, in

old age it is detestable ; but if to that is added intemperance in lawless desires, the evil is doubled ; because old age thereby becomes a disgrace ; and youth to intemperance adds imprudence.

Neither is it foreign to my purpose to touch upon the duties of magistrates, of private citizens, and of strangers. The peculiar character of a worthy magistrate consists in the consciousness, that as he represents the state, he ought, therefore, to keep up to its dignity, to preserve its constitution, to act by its laws, and always to have a sense that he has his power in trust for the public good. As to a private man and citizen, his duty is to live upon an easy and an equal footing with his fellow-citizens, without meanness but without arrogance. In his sentiments of the public to be always for peaceful and virtuous measures ; for such are the sentiments and such the expressions we ascribe to the worthy citizen.

Now the duty of a stranger and an alien is, to mind nothing but his own business, to attack no man's property ; and by no means to be curious about the affairs of a government in which he has no concern. Thus we will generally succeed in the practice of the moral duties, when we inquire after what is most becoming and best fitted to persons, occasions, and ages ; and nothing is more becoming than in all our actions

and in all our deliberations to proceed with self-consistency.

XXXV. But, because the graceful or becoming character we treat of appears in all our words and actions, nay, in every motion and disposition of our person, and consists of three particulars, beauty, regularity, and an address suited to our business (matters indeed that are difficult to be expressed, but it is sufficient if they are understood); and these three heads comprehend the regard we ought to pay to the good opinion of those amongst whom and with whom we live; and they are matters that I must likewise touch upon. In the first place, nature seems to have paid a great regard to the form of our bodies, by exposing to the sight all that part that is most beautifully composed, while she has hid and concealed those parts which were given for the necessities of nature, and which would have been offensive and disagreeable to the sight.

This curious contrivance of nature has been seconded by the modesty of mankind; for all men in their senses conceal the parts which nature has hid; and they take care that they should discharge as privately as possible even the calls of nature. And those parts which serve those necessities, and the necessities themselves, are not called by their real names; because that which in the private commission is not shameful, becomes obscene in the flat expression. The

public commission therefore of those things, as well as the obscene expression of them, is highly impudent.

Neither are we to regard the Cynics or the Stoics, who are next to Cynics, who abuse and ridicule us for deeming things that are not shameful in their own nature, to become sinful through words and expressions. Now, we give everything that is disgraceful in its own nature its proper term. Theft, fraud, adultery, are disgraceful in their own nature, but not obscene in the expression. The act of begetting children is virtuous, but the expression obscene. Thus, the Cynics maintain a great many arguments to the same purpose against delicacy in those matters. Let us, for our parts, follow nature, and avoid whatever is offensive to the eyes or ears; let us aim at the graceful or becoming, whether we stand or walk, whether we sit or lie down, in every motion of our features, our eyes, or our hands.

In those matters two things are chiefly to be avoided; effeminacy and daintiness on the one hand, and coarseness and clownishness on the other. Neither are we to admit, that those considerations are proper for actors and orators, but that they ought to be indifferent to us. The manners at least of the actors, from the morality of our ancestors, are so decent that none of them appear upon the stage without drawers; being

afraid lest if by any accident certain parts of the body should be exposed, they should make an indecent appearance. According to our customs, sons grown up to manhood do not bathe along with their fathers, nor sons-in-law with their fathers-in-law. Modesty of this kind, therefore, is to be cherished, especially when nature herself is our instructor and guide. *modesty*

XXXVI. Now beauty is of two kinds, one that has loveliness, and one that has dignity for its character. The former we esteem the property of women, the latter of men: therefore, let a man remove from his person every ornament that is unbecoming a man, and let him take the same care of every absurdity that may infect his gesture or motion. For very often the movements people learn of masters are finical, and thereby become extremely disagreeable; and we are disgusted with certain impertinent gestures among the players, while we are pleased in both kinds with whatever is unaffected and simple. Now dignity in the person is preserved by the freshness of the complexion, and that freshness by the exercises of the body. To this, we are to add, a neatness that is neither troublesome nor too much studied, but void of all clownish ill-bred slovenness. The same rules are to be observed with regard to ornaments of dress, in which, as in all other matters, a mean is preferable. *neatness*
complexion

walk

We must likewise avoid a drawling solemn pace in walking, as if we were carrying pageants at a triumph ; and likewise in matters that require despatch, quick hurrying motions ; which occasion a shortness of breathing, an alteration in the looks, and a convulsion in the features, all which strongly indicate a want of uniformity. But we are still to take greater care that the movements of our mind never depart from nature ; in which we shall succeed if we guard against all flurry and disorder of spirit, and apply ourselves earnestly to arrive at what is graceful. Now the motions of the mind are of two kinds, some arise from thought and some from appetite ; thought chiefly applies itself in the search of truth. Appetite prompts us to action. We are therefore to take care to employ our thoughts upon the best subjects, and to subdue our appetite to reason.

dispute
discourse

XXXVII. But great is the force of expression, which is of two kinds. One proper for disputing, the other for discoursing. Let the former be employed in pleadings at trials, in assemblies of the people, and meetings of the senate ; the latter in visits, in disquisitions at the meetings of our friends ; let it likewise attend upon entertainments. Rhetoricians lay down rules for disputing, but none for discoursing, though I am not sure but that likewise may be done. Masters are found for every other branch of learning, but

none study this ; while no place is free from crowds of rhetoricians ; and yet the rules that are laid down for words and sentiments are likewise applicable to discourse.

But, as the voice utters the speech, we are to observe two properties in it : first, clearness, and then sweetness ; both which are the free gifts of nature ; and yet practice may improve the one, and imitating those who speak nervously and distinctly, the other. There was, in the Catuli, nothing by which you could conclude them possessed of any deep acquirements in learning, though learned to be sure they were ; and so have others been. But the Catuli were thought to excel in the Latin tongue ; their pronunciation was harmonious, their words were neither mouthed nor minced ; so that their expression was distinct, without being broad ; while their voice, without strain, was neither faint nor shrill. The manner of Lucius Crassus was more flowing, and equally elegant ; though the Catuli, as speakers, were in as great esteem. But Cæsar, brother to the old Catulus, exceeded all in wit and humour ; for without quitting his ordinary manner of speaking, he got the better of his antagonists at court, with all their studied eloquence of the bar. Therefore, in all those matters, our great aim ought to be, in every thing, to find out what is most graceful.

Let our common discourse therefore (and this

is the great excellence of the followers of (Socrates) be smooth and good-humoured, without the least tincture of arrogance. But let us not, as if we had a right to engross all talking, exclude others. In this, as in other things, let us allow to every man his fair turn, in a share of the conversation. But more especially we ought to consider the nature of the subjects we speak upon. If serious, let us treat them with gravity; if merry, with good humour. But a man ought to take the greatest care that his discourse betray no defect in his morals; and this generally is the case when we are set in to speak of the absent in a malicious, ridiculous, harsh, bitter, and contemptuous manner.

Now conversation generally turns upon private concerns, or politics, or the branches of literary knowledge. We are, therefore, to study whenever our conversation rambles from its subject, to call it back, let the subject be what it will. For all mankind is not pleased with the same subjects, nor at the same time, nor in the same manner. We are likewise to observe the period when a conversation begins to grow disagreeable; that as it began for improvement, so it may end with discretion.

XXXVIII. But as we are very properly enjoined, in all the course of our life, to avoid all fits of passion, that is excessive emotions of the mind uncontrolled by reason; in like manner,

our conversation ought to be free from all such emotions ; it ought to be neither over-angry nor over-earnest, but without slovenness or indolence, or the like ; and, above all things, we are to endeavour to express both esteem and love for those we converse with. Reproaches may sometimes be necessary, in which we may perhaps be obliged to employ a higher strain of voice and a harsher turn of language. Even in that case, we ought not to seem in a passion ; but as, in the cases of caustics and amputations, let us seldom and unwillingly apply this kind of correction ; and, indeed, never but when the case is desperate and will submit to no other method of cure ; but still, away with all passion ; for with that nothing can be done with rectitude, nothing with discretion.

In general all correction should be gentle but effectual, and so applied, as that the party may feel the smart, without resenting the affront. Nay, even the bitterness of a reproach should be so conveyed, as to intimate that it is thrown out in kindness to the offender. Now, it is advisable, even in our most rancorous disputes, if we hear any that is affrontive of our own persons, to keep our temper and not fall into passion ; for whatever we do under its influence can never be either effectual, or approved of by those who are present. It is likewise disagreeable to hear a man declaiming in praise (and the more so if

he lies in the bargain), of himself, and to see him, like the swaggering soldier in the play become the ridicule of all about him.

XXXIX. Now, as I touch, at least intend to touch, upon every matter of duty, I shall likewise treat of the manner in which I could wish to see the building of a great and a leading man conducted ; the end of it being utility, to which the design of the building must be adapted, but with a due regard to magnificence and elegance. It is to this day mentioned to the honour of Cneius Octavius, the first of that family who was raised to the consulship, that he built upon the Palatium, a house of a noble and majestic appearance ; and it had such an effect in his favour with the people, that it is thought it was on that account they voted him, though but a new man, into the consulship. Scaurus demolished this house and took the ground into his own palace. But though the one was the first of his family who was thereby raised to the consulate, yet the other, though his father was a man of the greatest rank and distinction, carried into this, his enlarged palace, not only repulse, but disgrace, nay ruin.*

For a palace ought to adorn an office, but the whole merit of a candidate ought not to depend upon the palace. For the house ought to receive

* *Ruin.*] Being forced into banishment for some undue practices to support his expenses.

honour by containing the master, and not the master by possessing the house. And, as in other matters, he is to regard others as well as himself. Thus, a nobleman who is to entertain a great many guests of all denominations in his house, ought to be very careful that it be roomy ; but a great house often reflects discredit upon its master, when it has an air of loneliness, especially if it have been occupied by another master. It is a mortifying thing to hear passengers calling out with the poet, ‘ Oh ! what a falling off is here !’* and, indeed, at present that saying is but too applicable to a great many houses.

But you are to take care, especially if you build for yourself, not to make your house extravagantly grand and costly. Even the example of an excess of this kind is of the most pernicious consequence. For most people, particularly in this respect, imitate the example of their leaders. For instance, who imitates the excellent Lucius Lucullus in his virtues ? But many there are who ape him in the magnificence of his villas. This spirit is, therefore, to be restrained within the bounds of that moderation, which ought to run through all the practice and economy of life. But of this enough.

* *O what.*] Orig. *O Domus antiqua !*

Heu quam dispari dominare Domino !

As this is a very bald verse, I have taken the freedom to supply the sense from an expression of the English Ennius, which is applicable to the same purpose.

Now in all our undertakings we are to regard three things. First, that appetite be subservient to reason, which is of all things the best fitted for preserving the moral duties. We are, secondly, to examine the importance of our undertaking; that we may proportion our attention or labour so as it may be neither more nor less than the occasion requires. Thirdly, we are to regulate every thing that comes under the head of magnificence according to decency and dignity. Now, the best rule for our regulation is, to observe the graceful which I have recommended, and to go no further. But of those three heads, the most excellent is, that of making our appetites subservient to our reason.

XL. I am now to speak concerning the order and the timing of things. This is a science that comprehends what the Greeks call *εὐταξία*, not that which we Romans call moderation, an expression that implies keeping within bounds; whereas the *εὐταξία* here meant, implies a preservation of order. As therefore we call that likewise moderatio, its definition by the Stoics is, that it is the knowledge of ranging under proper heads, whatever we do or say. Therefore, the signification of order and of arrangement seems to be the same. For they define order to be the disposing of things into fitting and convenient places. Now, they tell us, that the place for an action is the opportunity for doing it. The

proper opportunity for action being called by the Greeks *ἐνκαιρία*, and by the Latins, *occasio*, or occasion. Thus, as I have already observed, that which we call discretion, is the knowledge of acting according to the fitness of a conjecture. *fitness*

But prudence, of which we have treated in the beginning of this Book, may admit of the same definition. Under this head, however, I speak of moderation and temperance, and the like virtues. I shall therefore, in its proper place, speak to all the properties of prudence. But at present I am to treat of those virtues I have been so long speaking of, which relate to morality, and the love of those with whom we live.

Such then should be the regularity of all our actions, that in our life, as in an Oration supported equally throughout, every thing ought to agree and correspond. For it would be unbecoming and highly blameable, should we, when upon a serious subject, introduce the language of the jovial or the effeminate. When Pericles had for his colleague in the prætorship Sophocles the poet, as they were discoursing upon the affairs of the magistracy, a beautiful boy by accident passing by, "What a charming boy!" said Sophocles; but Pericles very properly told him, "A magistrate ought to have a restraint not only upon his hands, but his eyes." Now Sophocles, had he said the same thing at a wrestling match, would not have been liable to

*Time & place
inappropriate*
the reprimand, such importance there is in the time and place. A man, for instance, who is going to plead a cause, if as he walks along he falls into musing, or appears more thoughtful than ordinary, he is not blamed : but should he do this at an entertainment, it would be ill-breeding in him for not distinguishing times.

But those actions that are in flat opposition to good-breeding, such, for instance, as singing in the forum, or any such absurdity, are so easily discernible, that they require no great degree of reprehension or advice to correct them. But in considerable failings, and such as are discernible only to a few, are to be more carefully avoided. As in musical instruments, the smallest untunableness is perceived by a judging ear ; thus in life we are to guard against all discord, and the rather as the harmony of morals is greater and much more valuable than that of sounds.

XLI. Thus, as the ear is sensible of the smallest discord in musical instruments, so, if we were accurately and attentively to observe blemishes, we might make great discoveries from very trifling circumstances. The cast of the eye, the bending or unbending of the brow, an air of dejection or cheerfulness, laughter, the tone of words, silence, the raising or falling of the voice, and the like circumstances, we may easily form a judgment which of them are in their proper state, and which of them jar with

duty and nature. Now in this case, it is advisable to judge from others, of the condition and properties of every one of those, so as to be able in ourselves to avoid those things that are unbecoming in others. For it happens, I know not how, that we perceive any blemish more readily in others than we do in ourselves. Therefore, when masters mimic the faults of boys that they may amend them, those boys are very easily set right.

Neither is it improper, in order to fix our choice in a doubtful matter, if we apply to men of learning and experience, and learn their sense of the several kinds of duty ; for the greatest part of mankind are too apt to follow their own dispositions ; and in those cases, we are to examine not only what a man says, but what he thinks, and upon what grounds he thinks it. For as painters, statuaries, and even poets, want to have their works canvassed by the public in order to correct any thing that is generally disliked, and examine both by themselves and with others where the defect lies ; thus we ought to make use of the judgment of others to do, and not to do, to alter and correct, a great many things.

As to actions resulting from the manners or civil constitutions of a people, I can lay down no other rules than those very manners and constitutions. But men ought not to be under the

mistake to imagine that if Socrates or Aristippus acted or spoke in opposition to the manners and civil constitutions of their country, they therefore have the same right to transgress them. For this was a right they acquired by their great and divine qualities. But as to the whole system of the Cynics, we are absolutely to reject it, because it is inconsistent with morality, without which nothing can be honest, nothing can be virtuous.

Ints to return

Now it is our duty to esteem and to honour, in the same manner as if they were dignified with titles or vested with command, those men whose lives have been distinguished by great and glorious actions, by their patriotism, and by the services they have done, or continue to do, to their country. We are likewise to have a great regard for old age, to pay a deference to magistrates ; to distinguish between what we owe to a fellow-citizen and a foreigner, and to consider whether that foreigner comes in a public or a private capacity. In short, that I may be no longer particular, we ought to regard, to cultivate, and to cherish the good will and the society of all mankind.

XLII. Now I am to give you my general sentiments with regard to what trades and emoluments become, and what are to be deemed below, a gentleman. In the first place, we are to detest those emoluments that incur the public hatred ; such as those of tax-brokers and usurers.

We are likewise to account as ungenteeled and mean the gains of all hired workmen, who earn money not by their art but their labour; for their wages are in consideration of their servitude. We are likewise to despise all who retail from merchants goods for present sale; for they never can succeed unless they lie most abominably. Now nothing is more disgraceful *insensate* than insincerity. All labourers are by their profession mean. For a workshop can contain nothing befitting a gentleman. We are likewise to disclaim all trades that serve the purposes of sensuality, such as, to speak after Terence, large fishmongers, butchers, cooks, pastry-cooks, and fishermen; to whom we shall add, if you please, perfumers, dancers, and the whole tribe of professed gamesters.

But those professions that are founded upon scientific principles, or conducive to public utility, such as medicine, architecture, the teaching the practice of virtue, are honourable in their several professors. As to merchandizing, if petty, it is disgraceful; but if it is extensive and large, dealing with all parts of the world, and giving bread to numbers in a fair creditable way, it is not so despicable. But if a merchant, satiated, or rather satisfied with his profits, as he sometimes used to leave the deep, and make the harbour, shall from the harbour step into an estate and lands; such a man challenges our highest regard. For

farming
 you must know, that of all gainful professions, nothing is better, nothing more pleasing, nothing more delightful, nothing better becomes a man or a gentleman, than agriculture. But as I have handled that subject at large in my Cato Major, I refer you thither for what falls under this head.

XLIII. I have I think sufficiently explained in what manner the duties are derived from the constituent parts of virtue. Now it often may happen that an emulation and a contest may arise amongst things that are in themselves virtuous. Of two virtues which is preferable? A division that Panætius has overlooked. For as all virtue is the result of four qualities, knowledge, justice, magnanimity, and moderation, so in the choice of a duty, those qualities must necessarily come in competition with one another.

justice
moderation
 I am therefore of opinion that the duties of justice are more agreeable to nature than those arising from knowledge. This may be proved from the following case. Supposing a wise man were in that very affluent situation of life as to be able with great leisure to contemplate and attend to every object that is worthy his knowledge; yet if his condition be so solitary as to have no company with mankind, he would prefer death to it. Of all virtues, the most leading is that which the Greeks call *Σοφία*, for that sagacity which they term *φρονεσις* has another

signification, as it implies the knowledge of what things are to be desired, and what to be avoided. But that wisdom to which I have given the lead, is the knowledge of things divine and human, which comprehends the community of gods and men, and their society within themselves. If that be, as it certainly is, the highest of all objects, it follows of course that the duty resulting from this community is the highest of all duties. For the knowledge and contemplation of nature, is in a manner lame and unfinished, if it is followed by no activity; now activity is most perspicuous when it is exerted in protecting the rights of mankind.

*justice
duty is
commensurate*

It therefore promotes the interests of society, and is for that reason preferable to knowledge; as is to be seen from the unvarying constant practice and judgment of every man of virtue. For who is so eager in pursuing and examining the nature of things, that if while he is handling and contemplating the noblest objects of knowledge, he is told that his country is threatened with the most imminent danger, and that it is in his power to assist and relieve her, would not instantly abandon and fling from him all those studies, even though he thought they would lead him to know how to number the stars, or measure the dimensions of the world? And he would do the same were the safety of a friend or a parent concerned or endangered. From

this consideration I infer, that the duties of justice are preferable to the studies and duties of knowledge, because the former hath for their object the welfare of the human race, which of all other considerations ought to be the most dear to mankind.

*phil. contr
to mankind* XLIV. But some have employed their whole lives in the pursuits of knowledge, and yet have not declined to contribute to the utility and advantage of society. For they have even bred up pupils to be good patriots and excellent magistrates. Thus Lysis, the Pythagorean, educated Epaminondas of Thebes, as did Plato, Dion of Syracuse; and whatever services I performed, if I did perform any to my country, were owing to my coming into public life, after being furnished and adorned with knowledge by men of learning.

Nor do those patriot philosophers content themselves in their life-time only to instruct and educate pupils; but they continue to do the same after death, by the monuments of their learning; for they neglect no point that relates to the constitution, the manners and the morals of their country; so that it appears as if all their leisure hours had been employed for our advantage. Thus it is plain, that men who give up their time to the study of learning and wisdom, employ all their understanding and all their skill chiefly to the service of mankind. It

is therefore most serviceable to the public for a man to speak copiously, provided it is to the purpose, than for a man to think ever so justly, without being able to express himself; the reason is, because good sense rests entirely within ourselves, but eloquence affects those of the same society with ourselves.

Now as the swarms of bees do not assemble in order to form their combs, but as they have from nature the property of associating together, they then form them; thus men being through a much stronger principle associated by nature, assiduously apply themselves to speaking and thinking. Therefore, unless knowledge is connected with that virtue which consists in doing service to mankind, that is, in improving human society, all its properties are lonely and barren.

In like manner greatness of soul, when utterly disregarding of the company and society of men, becomes savage and uncouth. Hence it follows, that the company and the community of men are preferable to mere speculative knowledge.

Neither is that maxim true which some hold, as if human communities and societies had been instituted, because we cannot without the help of others supply the wants of nature to which by the tenor of our lives we are subjected. But if we should be furnished by a kind of a magical wand, with every thing that relates to

food and raiment, that then every man of excelling genius, laying aside all other considerations, would apply himself to knowledge and learning. The fact is not so ; for such a man, in such a case, would avoid loneliness, and look out for a companion in his studies ; he would then want sometimes to teach, and sometimes to learn, to be sometimes a hearer, and sometimes a speaker. All duty therefore that operates for the good of human community and society, is preferable to that duty which is bounded by barren speculation and knowledge.

*2002 found
could be done
to serve the
country*

XLV. Here perhaps a question may arise, whether the duties of that society which is most suitable to nature, are preferable to moderation and decency ? By no means. For some things are partly so disgraceful, and partly so criminal in their nature, that a wise man would not commit them, even to save his country. Possidonius has given us many particulars of this kind ; but they are so execrable, that they are abominable, even to the ear. A wise man would not undertake such things, even to serve his country, nor would his country undertake them to serve herself. But it fortunately happens, that there never can be a conjuncture, when the public interest shall require from a wise man the performance of such actions.

Thus have I proved, that in the choice of our duties we are to prefer that kind of duty that

contributes to the good of society. For well directed activity is always the result of knowledge and learning. And therefore it is of more consequence to act properly, than to deliberate justly. But I have already treated of this ; for the matter is now so fully laid open, that it is easy for every man in the study of his duties, to see which is preferable. Now in society there are degrees of duties by which every man may understand what belongs to himself. The first is owing to the immortal gods, the second to our country, the third to our parents, and so on through all the relations of life.

From this short state of my subject we perceive that men are sometimes not only in doubt, whether a thing is virtuous or disgraceful ; but likewise when two virtuous things are proposed, which is most so ? This head, as I said before, was omitted by Panætius. But to proceed.

CICERO DE OFFICIIS ;

HIS TREATISE

CONCERNING

THE MORAL DUTIES OF MANKIND.

BOOK II.

MARCUS, MY SON,

I THINK I have in the former Book sufficiently explained in what manner our duties are derived from morality, and every kind of virtue. It now remains that I treat of those kinds of duties that relate to the improvement of life, and to the acquirement of those means which men employ for the attainment of wealth and interest. In this inquiry, as I have already observed, I will treat of what is useful, and what is not so. Of several utilities I shall speak of that which is more useful, or chiefly useful. Of all this I shall treat, after premising a few words concerning my own intention and purpose.

utility

My works it is true have prompted a great many to the exercise not only of reading but of writing; but I sometimes am apprehensive, that several of our great men dislike the name of philosophy, and are surprized at my having employed so much of my pains and time in that

study. For my part, as long as the state was under the management of those into whose hands she had thrown herself, I applied all my attention and thought upon the service of the public. But when the government was engrossed by one person, when there was an end of all public deliberation and authority: when I in short had lost those excellent patriots who were my companions, when I saved my country, I neither abandoned myself to that anguish of spirit, which had I given way to it, must have consumed me, nor did I indulge those pleasures that are disgraceful to a man of learning.*

Would to the heavens the constitution had remained in its original state; and that it had not fallen into the hands of men whose aim was not to alter but to destroy it! For while our country was free, I used in the first place to be more intent upon the propriety of my conduct than of my writing. In the next place I should not in my writings have treated upon this subject, but as I often did upon my own conduct. But when the constitution of my country, to which I applied all my care, thoughts, and studies, ceased to exist, then those public and senatorial studies were silenced.

* *Man of learning.*] This is a tacit reproach upon Hortensius Lucullus, and some others of the great men who retired to their country seats and amusements during the civil war and Cæsar's usurpation.

But, as the mind of man cannot be inactive, and as my early life was employed in the studies of morality, I thought I could not apply a more virtuous relief to the anguish of my spirit than by returning to philosophy; having, when young, spent a great deal of my time in its study. When I afterwards entered upon public offices and devoted myself to the service of my country, yet I still gave to philosophy all the time I could spare from the duties I owed to my friends and the public. But I spent it all in reading having no leisure for writing.

II. From all my deep distresses, therefore this good has arisen, that I have reduced into writing, matters in which my countrymen are not sufficiently instructed, though nothing is more worthy their attention. For, just heavens! what is more desirable, what is more excellent, than wisdom? What can more dignify a man? They therefore who court her are termed philosophers, for philosophy implies nothing but the love of wisdom.

Now the ancient philosophers defined wisdom to be the knowledge of things divine and human, and of the causes by which they are effected. A study that if any man despises, I know not what study he can esteem.

For if we seek the entertainment of the mind, or a respite from affliction, what is comparable to those pursuits that are always contributing

somewhat that relates to improving the welfare and happiness of life? And if we seek to re-establish the principles of self-consistency and virtue, either this is the art, or there is absolutely no art by which we can attain them. And to say that the greatest object may be without an art, when we see that the most inconsiderable are not without it, betrays great thoughtlessness and a great mistake in the most important matters. Now if virtue has any fixed principles where can they be found if we abandon this study? But this point is more particularly treated in my exhortation* to philosophy, which I have made the subject of another book. At present all my intention is to explain the reasons why being divested of all public character, I choose to apply myself to this study preferably to all others.

In the course of this inquiry I am aware it may be objected by some men of learning and knowledge, whether I act consistently with myself when I treat upon different subjects, and when as now, I am laying down rules for our duty, and at the same time deny that man can have a perception of any object. I could wish those gentlemen were thoroughly acquainted with my way of thinking. I am none of those whose reason is always wandering in the mist of

* *Exhortation.*] This book was entitled by our author Hortensius, but it is now lost all to a few fragments.

uncertainty without having a fixed point of pursuit. For if we abolish all the rules not only of reasoning but of living, what must become of reason, nay of life itself? For my own part, while others maintain some things to be certain, and others uncertain, I say on the other side that some things are probable, and others not so probable.

What therefore hinders me from following whatever appears to me to be most probable, and from rejecting what is otherwise; and while I avoid the arrogance of being dogmatically positive, escape the imputation of rashness which is highly inconsistent with wisdom.* Now our sect maintains either side of a question, because this very probability cannot appear, unless the reasons both for and against it are thoroughly canvassed. But if I mistake not, I have with sufficient accuracy discussed this point in my *Academics*. As to you, my dear son, though you are now employed in the study of the oldest and noblest philosophy under Cratippus, who greatly resembles the founders of that glorious sect, yet was I desirous you should be acquainted with these my sentiments, which are so corresponding with your system. But to proceed in what I propose.

* The reader will understand this passage best by consulting our author's treatise *de Finibus*, or concerning the end of things, good and evil, and his other philosophical works.

III. Having laid down the five principles upon which we pursue our duty, two of which relate to what is graceful and moral, two to the enjoyments of life, such as wealth, interest, and power, the fifth to forming a right judgment; if there should appear to be any clashing between the principles I have mentioned, I have finished that head of virtue with which I desire you should be best acquainted. Now the subject I am now to treat of, is neither more nor less than what we call utility; in which the prepossessions of mankind have been so erroneous that their practice has insensibly arrived to that degree of absurdity as to distinguish between what is moral and what is profitable, to set up what is virtuous against what is useful, and what is useful against what is virtuous; than which doctrine nothing can be more destructive to human society.

It is upon solid virtuous principles, and for the best reasons that philosophers distinguish only in idea, those three kinds which really are blended together. For they give it as their opinion that whatever is just is profitable; and in like manner whatever is virtuous is just; from whence it follows that virtue and utility are one and the same thing. They who are insensible of the truth of this distinction are generally men who being fond of artful crafty knaves, mistake cunning for wisdom. Now we are to rectify all such mistakes; and all the reasoning

of mankind upon this head ought to turn upon seeking the ends they propose, by such means as are virtuous and just, and not by such as are dishonest and wicked.

The particulars therefore, that relate to the improvement of social life are partly inanimate, such as gold, silver, the fruits of the earth, and the like; and partly animal which have their several instincts and affections. Now of these some are void of, and some are endowed with reason. The animals void of reason are horses, oxen, with other brute creatures, and bees who by their labours contribute somewhat to the service and existence of mankind. As to the animals endowed with reason they are of two kinds, one the gods, the other men. Piety and sanctity render the gods propitious; and next to the gods, mankind is best assisted by men.

The same division holds as to things that are hurtful and prejudicial. But as we are not to suppose the gods to be hurtful to mankind, we therefore conclude that putting them out of the question, man may be most beneficial and most prejudicial to man. For even the very inanimated beings I have mentioned, are generally procured through man's labour; nor should we have had them but by his art and industry, nor can we apply them but by his management. For instance, the art of preserving health, navigation, the enjoying and preserving the fruits of the

*improvement
of life*

earth, are all of them the effects of human industry.

Nay the exporting what is superfluous, and the importing what is necessary, must have been things entirely unknown, had not mankind applied themselves to those labours. In like manner, neither stones for our use, nor iron, nor brass, nor gold, nor silver, would have been dug from the bowels of the earth, but by the toil and art of man.

buildings
IV. As to buildings which either defend us from the violence of the cold, or shelter us from the inconveniencies of the heat, how could they have originally been invented for the use of man or afterwards repaired when ruined by tempests, earthquakes or time, had not mankind in social life learned how convenient and comfortable those things are? From whence but from the labour of man, could we have had aqueducts, the cuts of rivers, water-mounds, and artificial harbours? From those and a great many other instances it is plain, that we could by no manner of means have, without the art and industry of man, reaped the benefits and advantages arising from inanimated things. In short, where would have been the service and assistance which the brute creation is of to society, had it not been for the assistance of man? Men undoubtedly were the first who discovered the employments proper for every dumb creature; nor could we even at

this time either feed, tame, preserve, or employ them, so as to profit by their labours in due season, without the help of man. It is man who destroys whatever is hurtful and procures whatever may be beneficial. Why should I enumerate the variety of arts which are the life of life? It is this variety that supplies us with food and raiment; that gives health to the sick and pleasure to the sound.

Polished by those arts, the life of man is so different from the existence and the appearance of brutes. As to cities, they neither could have been built nor peopled but by men meeting in society: hence were formed laws and manners, the equitable meaning of laws, and the regulated order of life. Then followed gentleness of disposition and love of morality; security in living, and the supply of all our wants by giving and receiving, and by the mutual intercourse between services and benefits.

V. Writers are more prolix than they need to be on this head. For Panætius employs a great many words to prove what is self-evident, that no man, whether he be a commander of an army, or a leader in the state, has ever been able to perform what was great in the one, or salutary in the other, unless he was seconded by men. As instances of this, he mentions Themistocles, Pericles, Cyrus, Alexander, and Agesilaus, who he says without the aid of men, never could

*men need
other men* have achieved so many glorious exploits. Thus in a matter that is undoubted, he brings evidences that are unnecessary. But as the assemblage or agreement of men amongst themselves is productive of the greatest benefits; so is there no such execrable pestilence as that arising to man from man. We have a treatise of Dicæarchus* an eminent and eloquent Peripatetic, concerning the destruction of mankind; and after collecting together all the different causes, such as those of inundations, pestilence, wastes, and those sudden attacks of swarms of creatures, by which he tells us whole nations have been destroyed; he then calculates how many more men have been destroyed by men, that is by wars and seditions, than by every other species of calamity.

As this point therefore admits of no doubt that man is both the greatest blessing and the greatest curse of man, I lay it down as a chief property of virtue, the reconciling the affections of mankind to herself, and employing them to her own purposes. Therefore all the application and management of inanimated things, and of brutes for the use of mankind, is effected by the mechanic arts. But the quick and ready zeal of mankind for advancing and enlarging our conditions, is excited through the wisdom and virtue of the best of mankind.

* Dicæarchus, born in Sicily and a disciple of Aristotle.

For virtue in general consists of three properties. First in discerning in every subject what is true and unadulterated; what is best ^{discernment} fitted to every one; what will be the consequence of such or such a thing; how one thing arises from another, and how effects proceed from causes. The next property of virtue is to calm ^{calm} those violent disorders of the mind, which the Greeks call *παθη*, and to render obedient to reason ^{passions} those affections which they call *αφαι*. The third property is to treat with discretion and skill those with whom we are joined in society, that ^{discretion} by their means we may have the complete and ^{in relation} full enjoyment of all that nature stands in need of; and likewise by them repel every injury that may be offered us, and avenge ourselves of those who have endeavoured to do us hurt, by punishing them as far as is consistent with equity and humanity.

VI. I shall soon consider the means to acquire this art of winning and retaining the affections of mankind, but I must premise somewhat. Who is insensible what great influence fortune has either upon our prosperity or adversity? When we sail with her blast, we are carried to the most desirable landing places: when against it to the most melancholy. With regard to the accidents of fortune she very seldom exerts her power; for instance in the first place in cases of storms, tempests, shipwrecks, ruins, or burnings

from inanimated things; in the next place in cases of blows, bites, or attacks from brutes. Those accidents I say happen more seldom.

Now with regard to the defeat of armies, of which we have just now seen three different instances,* and often we see more; the overthrow of generals, as was lately the case of a great and an excellent personage;† together with unpopularity, by which the worthiest citizens have been expelled, over-borne, or exiled; and on the other hand prosperous events, honours, commands, and victories; though all those are influenced by chance, yet neither the bad nor the good could have been effected without the concurring assistance and inclinations of mankind. This being premised, I am now to point out the manner in which we may invite and direct the inclinations of mankind, so as to serve our interests; and should what I say on this head appear too long, let it be compared with the importance of the subject, and then perhaps it will seem too short.

Whatever therefore people perform for any man, either to raise or to dignify him, is done either through kindness when they have a motive of affection for him; or to do him honour in

* *Three armies.*] Meaning the defeat of Pompey at Pharsalia, of his sons at Munda in Spain, and of Scipio in Afric. all by Julius Cæsar.

† *Personage.*] Pompey the great.

admiration of his virtue, and when they think him worthy of the most exalted station ; or when they have such an opinion of him as to think that in serving him, they serve themselves ; or when they are afraid of his power ; or when they hope somewhat from him ; as when princes or the leading men in the state propose certain largesses ; or lastly, when they are engaged by money and bribery ; a motive that of all other is the vilest and dirtiest, both with regard to the corrupted and the corruptor.

For matters are come to a shameful pass, when money must be employed to do what virtue ought to effect. But as this resource is sometimes necessary, I will show in what manner it is to be employed, after I have treated of some things that are more the properties of virtue. Now mankind submit to the command and power of another for several reasons. For they are induced by the affection they have for him, or the great services he has done them ; or by his transcendent worth, or by the hopes that their submission will turn to their own account, or from the fear of their being forced to submit, or from the hopes of reward, or the power of promises ? Or lastly (which is often the case in our government), they are positively hired to serve him.

VII. Now of all things affection is the most proper for strengthening, and fear for weakening

an interest. Ennius says very truly, 'People hate the man they fear, and wish to see the man dead whom they hate.' It has been lately* if it was not before well known that no man's power can resist a combined detestation. Nor indeed is the destruction of that tyrant, who by arms forced his country to endure him, and who governs it even after his death, the only instance of the force of public detestation against a public nuisance, for the latter end of other tyrants have been like unto his. Few of them have escaped a similar fate. For fear is but a bad guardian to the permanency, whereas affection is faithful even to the perpetuity of power.

But the truth is, cruelty must be employed by those who keep others in subjection by force; as a master must be cruel to his slaves if they cannot otherwise be managed. But of all madmen they are the maddest who in a free state make fear the instrument of their success. The power of a private man may weaken the force of the laws, it may intimidate the spirit of liberty, yet some time or other they will emerge and become visible, either by silent intimations or the private sense of the people as to public honours. For the stings of liberty† when suspended, are

* *Lately.*] Cicero here alludes to the assassination of Cæsar in the senate.

† *Liberty.*] Orig. *Acriores autem morsus sunt intermissæ libertatis quam retentæ.* I own I cannot think that this fine ob-

more keen than when slackened. We ought therefore to follow this plain, this indisputed maxim, that dread should be removed and affection reconciled, not only to secure the dignities we already have, but for the acquirement of further interest and power; and this is far the readiest way to answer our designs, both in our private affairs and matters of government. For it is a necessary consequence, that men fear those very persons by whom they wish to be feared.

For what judgment can we form of the elder Dionysius? * With what pangs of dread was he tortured? When being jealous even of his barber's razor, he singed his face and beard with burning coals? In what distraction may it not be observed that the spirit of liberty has ever been understood either by critics, translators, or commentators; Dr. Cockman translates it thus: "And liberty, after she has been chained up awhile, is always more curst and bites deeper than she would otherwise have done had she been never restrained." This is very good sense, but not the sense of Cicero; who did not intend to compare liberty to a bitch. He uses the words *intermissa* and *retenta* in other places (*Vide Tusc. Disp. L. 1. C. 1. p. 1.*) to signify, the first, a suspension or interruption, and the latter a slackening or relaxation. This meaning therefore is, that the spirit of liberty is always more keen after its operations have been totally suspended (as was the case under Cæsar), than when they are only slackened, as was the case under the triumvirate.

* *Dionysius.*] This elder Dionysius was tyrant of Syracuse about the year of Rome 447. His son and successor of the same name was expelled by Dione, the disciple of Plätö.

be supposed Alexander the Phærean* to have lived? Who (as we learn), though he loved his wife Thebe to distraction, yet whenever he came into her bed-chamber from his debauches, ordered a Thracian, nay, one whom we are told had his skin stigmatised with the brands of barbarism,† to go before him with a drawn sword; and sent certain of his attendants to search the chests of the ladies, and even their clothes, for concealed weapons. What a wretch! to think a barbarous branded slave could be more faithful to him than the wife of his bosom! Yet was he not deceived, for he was put to death by her in a fit of jealousy; nor, indeed, can any power be so well founded as to last if it is founded on fear.

We have another instance of Phalaris,‡ above all others a tyrant most ingeniously cruel, who did not, like the Alexander I have just mentioned,

* *Alexander the Phærean.*] This tyrant is mentioned by Ovid in *Ibin*, and by Valerius Maximus, and other authors, as a monster of cruelty.

† *Stigmatised with brands of barbarism.*] The Thracians were accounted the fiercest of all the barbarians, and they had a custom, which was in common with many of the barbarous nations, of making marks with hot or other irons upon their skins. The Greeks and Romans sometimes marked all their slaves in that manner after they came into their possessions.

‡ *Phalaris.*] He was tyrant of Agrigentum in Sicily, and famous inventor of the brazen bull; he was however a man of letters.

perish by a private cabal, nor by the hands of a few conspirators, like our tyrant of Rome, but was attacked by the collective body of all the Agrigentines. Nay, did not the Macedonians abandon Demetrius, and with one consent submit themselves to Pyrrhus? What need I say more! were not the Lacedæmonians, for their tyrannical government, abandoned by almost all their allies, who stood by the unconcerned spectators of their defeat by Leuctra?

VIII. Upon such a subject it is with more pleasure I quote foreign than domestic instances; as long, however, as the people of Rome made beneficence, and not injustice, the rule of their government, their wars were undertaken either to defend their allies or to protect their empire; and they always made an humane use of their conquest, without using more than necessary severity. The senate was the harbour and the refuge of kings, people, and nations.

But the noblest and most distinguished ambition of our then magistrates and generals was upon the principles of equity and honour, to defend their provinces and their allies. Hence it was that they seem to take the whole world under their patronage* rather than under their government; for some time we were insensibly abating of this practice and those principles;

* Patronage.] Orig. *Itaque, illud patricinium orbis terræ, verius quam imperium, poterat nominari.*

but when Sylla got the better, we entirely lost them : for seeing the cruelties which were every day exercised upon our fellow-citizens, we ceased to think that our allies could suffer any injury. He therefore, by inhuman conquest crowned a glorious cause ;* for he had the presumption to declare, when the goods of patriots, men of fortune, and to say no more, of Romans, were selling at public auction, that he was disposing of his own booty. He was followed by a man whose cause was impious and his conquest still more detestable, who did not indeed sell the effects of private citizens, but involved in one system of calamity whole provinces and countries. Thus foreign nations, being harassed and ruined, we saw Marseilles† the type of our perished constitution carried in triumph, after being the cause of triumph to all our generals who returned from Transalpine wars. Was not this the most flagrant indignity the sun ever beheld ! I should go on to recount a great many of his other wicked oppressions which our allies suffered. Deservedly therefore were we punished ; for had we not borne with impunity

* *Glorious cause.*] Sylla's pretence for taking up arms was to defend the nobility against the encroachments of the commons, headed by Marius, whose party Cæsar revived.

† *Marseilles.*] This was a favourite state with the Roman republicans ; but having too inconsiderately shut their gates against and provoked Cæsar, he treated it as is here described.

the crimes of many, never could so much power have been engrossed by one. The inheritance of his private estate descended indeed to but a few, but that of his public ambition devolved upon many ruffians.

I may venture to say, that there never can be wanting a source and motive for civil war while men of abandoned principles call to mind that bloody sale, and hope again to see it renewed. For when the spear* under which it was made was set up for his kinsman the dictator, by Publius Sylla, the same Sylla, thirty-six years after, was present at a still more detestable sale; while another wretch, who in that dictatorship was only a clerk, in the late one rose to be city-quæstor. From all this we may conclude, that while such tempting rewards are presented, there never can be an end of our civil wars. The walls of our city it is true are standing, and that too in daily expectation of utter destruction; but as to our constitution, it is absolutely undone; and, that I may return to my purpose, all those miseries have befallen us, because we chose to govern rather by fear than by love and affection. If this was the case with

* *Spear.*] Our author here alludes to the sales of the estates of the Roman citizens made by Sylla; and which always were amongst the Romans carried on under a spear stuck into the ground. The like sales were afterwards made by some of Cæsar's party.

the people of Rome for perverting the ends of government, what can we think will be the consequence with regard to private persons? Now, as it is plain, that the force of kindness is so strong, and that of fear so weak, I am to discourse of the means by which we may most readily attain to that endearment, linked with honour and confidence which I have proposed.

But of this we do not all stand in the same need ; for every man, according to the different purpose of his life, is to take the proper measures that are necessary for making himself beloved by the many or the few. One thing, however, is chiefly and indispensably necessary, that our connexions with those friends who love our persons and embrace our interests, should be indissoluble ; for this is the only particular in which men of the highest and middle stations of life agree, and it is attainable by both in much the same manner. All, perhaps, are not equally desirous of honours, of popularity, and public favour ; but the man who is furnished with them is greatly assisted by them in acquiring other advantages of life, as well as friendship.

IX. But I have in another book, which is entitled *Lælius*, treated of friendship. I am now to speak of popularity, though I have already published two books upon that subject :* let me,

* *Subject.*] This treatise is now lost.

however touch upon it, as it greatly conduces to the right management of the more important affairs. The highest and the most perfect popularity lies in three requisites; first, when the public loves us; secondly, when it trusts us; thirdly, when with a certain degree of admiration, it judges us to be worthy of preferment. Now if I am to speak plainly and briefly, almost the same means by which those advantages are acquired from private persons, acquire them from the public. But there is another passage by which we may, as it were, glide into the affections of the many.

And first, let me touch upon those three rules (as I have already termed them), of benevolence. That is chiefly acquired by good deeds; but next to that, benevolence is won by a beneficent inclination, though destitute of means. Thirdly, the affections of the public are wonderfully excited by the very report and opinion of generosity, beneficence, justice, honour, and of all those virtues that regard politeness and affability of manners. For the very *honestum* and the graceful as it is called, because it charms us by its own properties, and touches every human heart by its qualities and its beauties, is chiefly resplendent through the medium of those virtues I have mentioned. We are therefore ravished, as it were, by nature herself to the love of those in whom we think those virtues reside.

Now these are the strongest motives of affection, some there may be which are slighter.

As to acquiring the public confidence or trust, it may be effected two ways; by being supposed to be possessed of wisdom and of justice. For we have confidence in those who we think understand more than ourselves and who we believe has both greater foresight; and when business is actually in hand and matters come to trial, know how to pursue the wisest measures and act in the most expedient manner, as the exigency shall require; all mankind agreeing that this is useful real wisdom. Now the measure of our confidence in honest and honourable men, that is, men of worth, is, that we have not the smallest suspicion of their harbouring a thought of cheating or injuring us. We therefore think we act safely and properly in entrusting them with our persons, our fortunes, and our families.

But of the two virtues, honesty and wisdom, the former is the most powerful in winning the confidence of mankind. For honesty without wisdom, is an inducement sufficient of itself; but wisdom without honesty is of no effect; because, when we have no opinion of a man's probity, his craft and cunning serve only to make us hate and suspect him the more; honesty therefore joined to understanding has unbounded power in acquiring confidence; ho-

*trust of
wise
men*

*honesty &
wisdom*

nesty without understanding can do a great deal ; but understanding without honesty can do nothing.

X. But lest any one should be surprised, as all philosophers are agreed in one maxim, which I myself have often maintained, that the man who possesses one of the virtues, is in possession of them all, why I here make a distinction that implies the possibility of a man's not having understanding or wisdom, and honesty at the same time, the accuracy which in schools refines even upon truth, I answer that is different from that accuracy that is required in adapting all our reasoning to the understanding of the public. Therefore I here make use of the common terms of discourse, by calling some men brave, some worthy, and others wise. For when I treat of a popular opinion, I must make use of popular terms, and Panætius did the same. But to return to what I propose.

Of the three requisites of perfect popularity, the third I mentioned was " when the public with a certain degree of veneration, judges us to be worthy of preferment." Now every thing that they observe to be great and extraordinary, is the subject at least of vulgar admiration. But with regard to particular persons, they admire those things in which they can see any good qualities they did not look for. They therefore behold with reverence and exalt with a profusion of praise, those men in whom they think they

can perceive any excellency or singularity of virtue ; whereas they despise a man when they have no opinion of his honesty, none of his spirit, and none of his manhood. Now a man may be an object of their disesteem, but not of their contempt at the same time. For they by no means condemn rogues, slanderers, cheats, and those who know how to do them an ill turn, though they have a very bad opinion of them. Therefore as I have already said, they despise those who can neither serve themselves nor their neighbours, who have no assiduity, no industry, and no concern about them.

*admiration
for virtue* (Those men are the objects of admiration, who are thought to have a pre-eminence of virtue, and to be free from every disgrace, as well as every failing, to which others are so liable to yield. For pleasures, those charming mistresses of the soul, warp all its noblest faculties from virtue, and most men when ready to enter into the furnace of affliction, are unmeasurably terrified. The considerations of life or death, wealth or want, make the deepest impressions upon the generality of mankind. But when we see a man of a soul so great and so elevated, as to despise all those considerations, a man in whom the whole man is charmed and impassioned in the pursuit of a virtuous and a noble object ; who when he sees such a man, does not admire the splendour and the beauty of virtue ?)

XI. This sublimity of soul therefore produces

the highest admiration ; and above all other considerations, that honesty from which worthy men take their denomination astonishes the many. And no wonder that it does ; for no man can be honest if he is afraid of death, pain, exile, or poverty, or prefers their contraries to justice. / The man who is incorruptible by money excites the wonder of the public, and they consider every man whom they see resist it as ore purified by the fire. Justice or honesty therefore effects all the three means of acquiring glory. The love of the public, on account of its being a general benefit ; its confidence, for the same reason ; and its admiration because it neglects and despises those objects with which the rest of mankind is so desperately enamoured.

In my opinion, however, every scheme and purpose of life requires the assistance of other people. In the first place that you may have some intimates to whom you can familiarly unbosom yourself, which is hard for one to do, unless he has an appearance of honesty. For this reason, were a man to live ever so lonely or ever so retired in the country, people ought to have a good opinion of his honesty, for if they have it not, they will deem him dishonest, and thus he will be left defenceless and exposed to every kind of injury and insult.

Honesty in dealings, is necessary likewise for all who buy or sell, who hire or let out, or who

are engaged in any business whatever. For the force of honesty is so great, that without some grains of it, even they whose food is cheating and villany, could not subsist. For amongst those who thief in company, if any one of them cheat or rob another he is immediately turned out of the gang; and should the head of the gang himself be partial in dividing the spoils, the rest would either murder him, or abandon him. So that even robbers have their laws, which they obey and observe. This impartiality in sharing the booty greatly enriched Bardyllis* the Illyrian robber, mentioned by Theopompus; but Viriatus† the Lusitanian, got a great deal more by the like fairness. He was the same who defeated our armies and our generals, but at last was humbled and checked by the prætor Caius Lælius, sur-named the wise, who thereby rendered the management of the war against him an easy task to his successors in command. If therefore the influence of justice is so forcible as to strengthen and enlarge the power of robbers, how much more prevalent

* *Bardyllis.*] He was probably the same Bardyllis who was conquered by Philip of Macedon. As to his being a robber, that very possibly was only a term given him by Theopompus, perhaps for asserting the liberties of his country. For we find that Pyrrhus, the great king of Epirus, married his daughter of Bercenna.

† *Viriatus.*] This brave man was once a huntsman, and was treacherously murdered by the order of Servilius Cæpio.

must we suppose it to be when men live by the regulations and laws of well-tempered government?

XII. If I may speak my own opinion, it is that not only the Medes, as we are told by Herodotus, but our ancestors raised to royalty men of the best principles, for the benefit of their just government. For when the helpless people were oppressed by the overgrown in power or riches, their recourse was always to some one man who was distinguished by his virtue, who not only protected the weakest from oppression, but pursued an equitable system of government which knew no distinction between the highest and lowest. Laws were instituted for the same reason as kings were: for all mankind have always desired to live under laws that know no distinction of persons. *just*

This, and nothing else is justice. When mankind could enjoy it by the equitable wise administration of one worthy man, they were satisfied with that; but when that was not the case, laws were invented which spoke in the same terms and with the same tongue to all degrees of men. It is therefore undeniable that the men who were in the highest esteem for their justice, were most commonly chosen into the seat of government. But when the same happened likewise to be men of wisdom and understanding, there was nothing the people did not think them-

Justice to be maintained

selves equal to under such an administration. Justice, therefore, is by all manner of means to be revered and practised ; both for its own sake (for otherwise it would lose its property), and for the enlargement of our own dignity and popularity. But as it is not sufficient for a man to get money, unless he knows how to lay it out at interest, so as to supply him not only with the necessities, but the elegancies of living ; thus it requires address not only to acquire, but to secure popularity.

popularity

It was finely said by Socrates that the shortest and most direct road to popularity, is “ for a man to be the same he wants to appear to be.” People are egregiously mistaken if they think they ever can attain to permanent popularity by hypocrisy, by mere outside appearances, and by disguising not only their language but their looks. True popularity takes deep root and spreads itself wide ; but the false falls away like blossoms from the trees ; for nothing that is false can be lasting. I could bring many instances of both kinds ; but to cut short, I will confine myself to one family. While there is a trace of Roman glory remaining, the memory of Tiberius Gracchus the son of Publius will be revered : but his sons even in life were not approved of by good patriots, and after death they are ranked amongst those who, when they were slain, were treated as they deserved.

XIII. Let the man therefore who aspires after true popularity, perform the duties of justice which I have laid down in the former book. But though the force of the maxim, that "we should be the very men we wish to appear to be," carries with it great conviction, yet must I lay down some rules for our more readily appearing "to be the men we really are." For when circumstances concur to give a youth (as they do if I mistake not in you Marcus) a figure and a rank in the world, either through his father's lustre or by some other cause or accident; the eyes of all mankind are turned towards him and they make it their business to inquire after his actions and morals; and as if he were set up in the strongest point of light, nothing he says, nothing he does, can be hid from the public.

Now they who while children or boys were of too mean and obscure a rank to be noticed by the public, when they come to be young men, ought to raise their views to higher objects and pursue them by the most direct means: in which they will be the more encouraged to persevere because the public is so far from checking, that it generally assists the pursuits of early life. Military merit then is the chief recommendation of young men to public favour. Of this we have many examples amongst our ancestors, for they were almost always in arms. As to you, my son, your youth fell in with the time of a

civil war, in which one party was too criminal, and the other too unsuccessful. But when in that war Pompey gave you the command of a squadron, you acquitted yourself to the admiration of that great man and of all his army by your address in managing a horse, in darting the javelin, and in the performance of all military duties. But the honour you thereby acquired ceased with the constitution of our country. My intention however is not to treat of you singly, but to speak in general. Let me therefore proceed to what remains.

powers of mind
As in common occurrences we are more assisted by the powers of the mind than by those of the body, so the measures we carry into execution by capacity and reason are more important than those we effect by bodily strength. Now in this respect, a young man's most early recommendation to private favour, is his modesty, his obedience to his parents, and his affection for his relations. People are likewise very ready to be strongly prepossessed in favour of those, who after they are somewhat grown up, devote themselves to the direction of eminent, wise and virtuous patriots. Their frequenting such company gives mankind a notion of their one day resembling those whom they choose to imitate.

The public conceived an early opinion of Publius Rutilius, for his integrity and knowledge in the law, because he frequented the family of

Publius Mucius. As to Lucius Crassus* when he was but a stripling he was indebted to no man, but acquired the highest honour from that noble, that popular prosecution he undertook ; and at an age when even private exercises recommend the future speaker (as was the case with Demosthenes), Crassus I say at that age adapted with success to public practice in the forum those studies that would have done him honour had he confined them to private exercises in his chamber.

XIV. But as we use two methods of speaking ; *Conversatio*
the one proper for conversation, the other for *debate*
debate ; the latter without doubt is of the greatest efficacy to make a man popular ; for that is what we properly term eloquence. Yet smoothness and politeness in conversation has incredible power to win the affections of mankind. We have letters from Philip, from Antipates, and from Antigonus, three of the wisest men† we meet with in history, to their sons Alexander,

* *Crassus.*] This is the great orator our author so much praises in his treatise *de Oratore*. The prosecution here mentioned was against C. Carbo, a man of great abilities and distinction, who finding matters likely to go against him he poisoned himself.

† *Wisest men.*] The first was father to Alexander the great, the second was governor of Macedonia during Alexander's expedition against Persia, and the third was another king of Macedonia.

Cassander, and Philip, recommending to them to gain the kindness and affections of their people by the open honesty of their speeches, and to engage their soldiers by a winning, insinuating, address. But the more animated powers of public eloquence often seize a whole assembly. For so much are men wrapt up in the admiration of an eloquent and a sensible speaker, that when they hear him, they are convinced he has both greater abilities and more wisdom than the rest of mankind. But should this eloquence be graced with a manner that is majestically modest; nothing can have a more wonderful effect, especially should all those properties meet in a young man.

Various are the causes that require the practice of eloquence; many young gentlemen in our state have excelled in those of the bar and the senate house; but that of the bar is the most productive of glory, as it consists of two parts, accusing and defending. Of those the latter is preferable in point of honour; yet the other has often been practised with great success. Not to repeat the example of Crassus, I just now mentioned, Marcus Antonius* when a youth

* *Marcus Antonius.*] This great man likewise is mentioned by our author in his book *de Oratore* and his other pieces with the highest encomiums. He was grandfather to Antony the triumvir, and the power of his eloquence is said to have been so great, that the soldiers who were sent by Marius and Cinna

did the same. And even Publius Sulpicius* displayed his eloquence as a prosecutor, when he impeached Caius Norbanus, a seditious and worthless citizen.

But to say the truth, we ought not to make a frequent practice of this ; nay, we ought never to do it but for our country, as in the cases I have mentioned ; or in order to be revenged of an injury,† as the two Luculli did ; or in case of patronage, such as mine with regard to the Sicilians, or as Julius accused Albucius for the Sardians. The abilities of Lucius Fusius‡ were displayed in the impeachment of Marius Aquilius. Once therefore is sufficient ; at least I would not advise it very often. But if a man should be under a necessity of doing it oftener,

to murder him, for some time suspended their bloody purpose before they put him to death.

* *Publius Sulpicius.*] He is another of the interlocutors in our author's book *de Oratore*.

† *Revenged of an injury.*] Those words were by the first scrupulous transcribers of this work omitted, as clashing with the doctrines of Christianity. They were restored by Langius, and are undoubtedly part of the text ; for the prosecution carried on by the Luculli, was against the augur Servilius, to be revenged on him for prosecuting their father. Doctor Cockman, neither in his Latin edition nor his translation, takes any notice of this omission, which had crept into almost all the old printed copies, therefore we may suppose that the words omitted by them stand in all the MSS he consulted.

‡ *Lucius Fusius*] He accused Aquilius of corruption.

it ought to be for the sake of his country, for it is by no means reproachful to carry on repeated prosecutions against her enemies. But still I say there ought to be a mean in all things. He who wantonly endangers the lives of others, has the nature of a flint rather than a man. Let me add, that the epithet of a common impeacher is both dangerous to your person, and disgraceful to your character, as happened in the case of Marcus Brutus,* a man of the highest quality, and son to the eminent Civilian of that name.

*strictly
actual*

We are therefore to lay it down as an invariable maxim of our duty, never to endanger innocence by a capital impeachment, as it is an action that must be attended with the most heinous guilt. (For can any thing be so wicked as to prostitute to the persecution and the ruin of mankind, that eloquence which nature has given us for their safety and preservation. We are not however on the other hand, to be so scrupulous as not to speak for an offender, if he is not notoriously profligate and wicked.) The people expect this, practice justifies it, and good-nature suffers it. The duty of a judge in all trials, is to follow truth; that of a pleader, to follow what is most like truth, even though it should not be strictly so. I should not, as I am now treating of a philosophical subject, have ventured to advance this, had I not been war-

* Brutus.] See *de Oratore*.

ranted by the authority of Panætius, the strictest of all the Stoics. But the defence of the impeached makes the pleader appear to the public in the fairest and most favourable point of light, especially if the client he serves is in danger of being trepanned, and of sinking under the weight of some great man's power. I have often undertaken those kind of pleadings, and even when young, I defended in an oration, which you know is still extant, Sextus Roscius* of Ameria, against all the interest of Sylla, in the plenitude of his power.

XV. Having thus explained those duties of young men, which are conducive to their acquiring popularity, I am now to speak of beneficence or generosity. This is of two kinds; for we serve the indigent, either by our labour or by our money; the latter method is most ready, especially to a rich man; but the former is more dignified, is more glorious, and more worthy a man of courage and eminence. For though there is in both a noble disposition of doing good, yet the means of the one is supplied from our coffers; those of the others from our virtues; and the generosity that flows at the expense of a private fortune, soon dries up its own fountain. Thus liberality is undone by liberality, and the more extensive it has been formerly,

* *Sextus Roscius.*] He was accused of murdering his father. See the translation of the Orations, Vol. II.

the more contracted it must be in time to come. But as to those who expend their labour, that is their virtue and their industry in acts of beneficence and generosity; in the first place, every man they serve is a new accession of assistance to enable them to serve others. In the next place, the practice of doing good renders them moreready, and what we may call more dexterous, to diffuse through many, the acts of their beneficence. It is a fine check that Philip gives to his son Alexander in a letter he wrote, reproving him for endeavouring to win the good-will of his subjects by money, "a plague (says he) upon that method and those hopes as if corruption and bribery could give subjects principles of loyalty. Do you mean that the Macedonians should consider you not as their king, but their servant and purse-bearer." Servant and purse-bearer! very proper epithets truly, because they are disgraceful in a king; and it is with still greater propriety, that he terms his son's bounty bribery. For a man when corrupted becomes more debauched in his morals than before, and more sanguine in his expectations of having his bribe repeated.

Philip it is true addresses himself to his son particularly, but his words are applicable to all men. There can therefore be no room to doubt that the beneficence, which consists in employing our talents and industry in the service of others,

*trying to
win a-
c-
t*

is more honourable, more extensive, and of more general utility than the other. There is sometimes, however, a necessity for expending money, nor is there any absolute rule against bounties of that kind. We may often have occasion to assist proper and needy objects out of our private fortune ; but in this we ought to be cautious and careful ; for many there are who have wasted their estates by their inconsiderate bounty. Now, can any thing be more stupid than to act so as if you wanted to put a speedy period to the means of your doing what gives you so much pleasure. Let me add, that rapaciousness is the consequence of proflusion ; for when men come to be in want through their squandering, they are obliged to put forth their hand against the property of others. Thus, when to acquire popularity they perform acts of bounty, the hatred of those whom they plunder weighs down the interest they gain by those upon whom they squander. Your purse, therefore, is not to be shut against every call of beneficence, nor is it to be so open that every man may thrust in his hand. Moderation is best, and that in a great measure is to be directed by your abilities. In short, we ought always to keep a homely common proverb in remembrance, " that bounty has no bottom," for where can there be any bounds to it, when they who are used to receive, expect to have it repeated ; and others, from their examples, have the same expectations.

*moderation
in giving*

XVI. The bountiful may be divided into two classes ; the spendthrifts and the generous. The spendthrifts are they who squander their money upon entertainments, doles of meat, shows of gladiators, the exhibition of plays, or huntings, things that leave behind them a very short remembrance, or none at all.

The generous are they, who out of their own private fortune ransom captives out of the power of robbers or pirates, who stand engaged for the debts of their friends, who assist them in providing for their daughters, and contribute either to their acquiring or improving a fortune. I am therefore surprized that in the book which Theophrastus* wrote concerning riches, which contains so many excellent things, he should reason so absurdly on this point. For he is very diffuse in his praises of the magnificence and pomp of popular exhibitions. And he tells us, that the ability of making such entertainments is answering the ends of riches. But in my judgment, those acts of generosity, a few of which I have mentioned, are far preferable, and more permanent. Aristótle, upon wiser and weightier principles, reprimands us for not looking upon those expenses that are intended to put the people into good humour, as something monstrous. " If people in a besieged place (says he) should for a

* *Theophrastus.*] He was a famous Greek writer. The book here mentioned is lost.

little water give a great deal of money, we would at first be apt to disbelieve the fact; but our incredulity ceases when we reflect upon the necessities attending their situation; yet we are not a bit surprized at the mad extravagance and boundless expense we see daily; though it is laid out neither to relieve another man's want, or to advance our own interests. Besides, the very amusement that it gives the many, is but of a short inconsiderable duration, and is calculated for very chaff of the people, who lose in society even the memory of the pleasure."

He adds very properly, "That such exhibitions are pleasing only to boys, loose women, slaves, and freedmen, who know no better than slaves. But that when a man of sense comes to consider coolly on such matters, he must condemn them." Mean time I am sensible, that in our government, immemorially, and in the best of times, the best of men have been called upon for magnificent *ædileships*. Therefore, Publius Crassus, who very properly was surnamed 'The Rich,' expended vast sums in the exhibitions of his *ædileship*. And soon after, Lucius Crassus, who was colleague with Quintus Mucius, the least showy of all mankind, went through a most magnificent *ædileship*. Then came Caius Claudius, the son of Appius; then the Luculli, Hortensius, Silanus, and many others; but all of them were outdone by Publius Lentulus, who

was ædile in my consulship; and he was imitated by Scaurus. The entertainments of my friend Pompey, however, in his second consulship, were the most magnificent of all.* You already have my opinion of all those matters. Meanwhile, all suspicion of avarice is to be avoided.

XVII. Mamercus, a man of immense riches, was put by the consulship because he declined the ædileship. A man therefore must be at those expenses, if he is called upon by the people, and if men of character, without joining in the cry, do nothing to discourage it; but he still must proportion them to his abilities, as I did when in a public situation. Nay, if a man can pursue to advantage some important beneficial measure by entertaining the people, it is allowable. Orestes,† for instance, got great credit by giving a public entertainment in the streets, on pretence

* It is surprizing with what profusion the magistrates mentioned in this place by our author, entertained the people during their ædileships. They brought from all parts of the world the finest paintings and sculptures, with which they adorned the forum and other public places, during their year. Every succeeding ædile racked his invention for some refinement upon the elegance or magnificence of his predecessor; and the immense expenses it put them to, is reckoned amongst the causes of the loss of the Roman liberty.

† Orestes.] He was consul in the year of Rome 682. It was common for the great men of Rome, upon their undertaking any expedition, to vow the tithes of all they should gain to Hercules, or some other god.

of paying the tithes of his gains. Neither are we to blame Marcus Seius, who, in a time of public scarcity, lowered at his own expense the price of corn to the people: for, by an expense that was neither disgraceful nor, considering that he was ædile, extravagant, he got rid of a strong and deep rooted prepossession of the public to his prejudice. But of all others, my friend Milo* lately acquired the greatest glory, by employing the gladiators he had bought in the service of his country, whose welfare was centered in the safety of my single person, by checking the attempts and the fury of Publius Clodius. The occasions of public expense therefore are to be prescribed either by necessity or utility.

But even in those cases it is best to observe a mean. It is true, that Lucius Philippus, the son of Quintus, a man of the greatest abilities and eminence, used to make a merit of his having arrived to the highest dignities of the state without making any present to the public. Cotta and Curio said the same. I too am entitled to some praise of the same nature. For considering that I was exalted to the highest dignity of the state, and that too by the suffrages of all my constituents, in the first year I was qualified to stand (a circumstance that happened to none of those I have just now named), the expense of my ædileship was very inconsiderable.

* *Milo,*] See the Translation of the Orations, Vol. I.

Those expenses however are more justifiable, that are laid out upon fortifications, docks, harbours, aqueducts, and all those things that are serviceable to the public. The people, it is true, are better pleased with what is as it were paid them in hand; but those works will be more agreeable to posterity. I shall, on account of Pompey's memory, be tender in blaming the erection of theatres, porticoes, and new temples. It is sufficient to say, they are not approved of by the most learned authors; by Panætius, for instance, to whose sentiments, but without translating his words, I have been greatly beholden in this work. Phalereus Demetrius too, reproaches Pericles,* the most leading man in Greece, for throwing away so much money in that magnificent portico he built for the temple of Pallas. But I have been very full and particular upon every branch of this subject in my Treatise upon Government.† To con-

* *Pericles.*] This great man laid out an incredible sum of money upon erecting a portico to the Acropolis, a kind of an old building at Athens, sacred to Pallas.

† *My Treatise upon Government.*] This work is lost, all but a few fragments, to the great detriment of learning.

Notwithstanding the great regard I have for my author's good intention in this work, and the applause it has in all ages met with, yet it is impossible for a man of any discernment, who is ever so little acquainted with the Roman history, not to see that he has proposed his own conduct as the great model of the moral duties, and that he has artfully thrown a veil over it where it was blameable. He here obliquely reproaches

building
things for
the people

clude, the whole system of this kind of bounty, is in its own nature blameful; through conjunctures it may be necessary; and even then, it ought to be proportioned to our abilities, and directed by discretion.

XVIII. With regard to the other species of the bountiful I proposed to treat of, I mean generosity, it ought to operate in different manners, according to circumstances. *generosity*

The circumstances of a man overwhelmed with misfortunes, are very different from those of a man, who without meeting with any misfortune, seeks to better his own condition. The unfortunate, I mean those who undeservedly are so, have the foremost claim to our generosity. *unfortunate* Not that we are by any manner of means to bind ourselves up from assisting those who claim our help, not to relieve them in calamity, but to further them in prosperity. But in this case we ought to be very exact and careful in the choice of proper objects. For Ennius observes very rightly, that

“Bounty, when misapplied, becomes a nuisance.”

Now whatever is bestowed upon a man of merit and gratitude, is repaid both by the con-

Pompey and other great men for adorning the city with works, that to this day do honour to their country. Because he erected no such public buildings, though he was immensely lavish, even to the hurting his fortune, upon the houses he built on his own private estate.

consciousness of doing a virtuous action, and by the other circumstances attending it. For well judging generosity is extremely captivating, and it is the more generally applauded, because the charity of any one great man is a general refuge. We are therefore to take care to extend to as many objects as possible our good works, that the memory of them descending to their children and posterity, may over-awe them from being ungrateful. For the ungrateful are detested by all mankind, who think that every discouragement to liberality is of prejudice to themselves; and that the ungrateful man is therefore the enemy of the needy. Now there is a charity that is serviceable to the public, that of ransoming captives, and enriching the poor; which was commonly practiced by those of our order, as we see more at large by a written Oration of Crassus. I therefore think this practice of generosity to be far preferable to the distribution of largesses to the people. It is the result of wisdom, joined to ability; whereas the other belongs to the fawners upon popular favour; to the tickling pleasure-mongers of a giddy rabble.

Now as it becomes a man to be free in bestowing, he ought for the same reason not to be too rigorous in demanding; and in all his contracts, sales, bargains, engagements, and loans, to consult the ease and conveniency of his

neighbours: giving up many things he might in strictness insist upon; and as far as is consistent with his interest, nay were it my case, farther too, avoid law suits. For it is sometimes not only generous but profitable, for a man to give up a little of his right. We ought, however, to have regard to our private estate, for none but a profligate will suffer that to slip from him; but even in this case, there should not be the smallest appearance of sordidity or avarice. For the great art of enjoying money, is to be liberal in the eyes of all the world, and yet not hurt one's private estate. Theophrastus very properly commends hospitality likewise. For in my opinion, at least, there is somewhat very becoming in illustrious men having their houses open to illustrious guests; and it is one of the glories of our state, that strangers in Rome are never at a loss for instances of this generosity. It is likewise of vast advantage for those who seek to rise upon virtuous principles, to have by means of their guests, a great character amongst foreigners for riches and power. We are told by Theophrastus, that Cymon, even when he lived at Athens, was hospitable to his own tribe of the Laciadæ;* for he laid it down

* *Laciadæ.*] The inhabitants of Attica were divided into one hundred and seventy-four tribes, and Cymon, the famous Athenian general, who beat the enemy by land and sea in one day, was of the tribe of Laciadæ.

as a rule to furnish them with every thing ; and he gave the same orders to his stewards, if any of that tribe came to his country-house.

XIX. The benefits however that we confer, not by our purse but our talents, redound to the profit of the whole state, as well as to that of the particular persons obliged. For to give an opinion in a law case, to assist by our advice, and to be serviceable in this way to as many as possible, is wonderfully effectual towards increasing a man's power and interest. Therefore among the many other excellent constitutions of our ancestors, the knowledge and the interpretation of the civil law, which is so well calculated to defend the rights of mankind, was always amongst them in the highest reputation ; nay, before we fell into those times of public confusion, the greatest men of our government have ever appropriated the study of it to themselves. But now the glory of that science is extinct, together with all honour and distinctions among Romans, and what makes this the more deplorable is, that it happened at a time when a man* was alive, who in dignity equalling all who had gone before him, was in this study by far their superior. This therefore is an accomplishment that gives relief to many, and is calculated for attaching mankind to our interest, by the service it does them.

* *A man.*] Meaning Servius Sulpicius, the famous Civilian.

Nearly allied to this, is another more weighty, more agreeable, and more ornamented art, I *legitima* mean that of speaking well. For what is more excellent than eloquence, with regard to the admiration it creates in the hearers, the hope it raises in the distressed, or the interest it begets in those for whom it is employed. It was therefore for this reason, that our ancestors assigned to eloquence the most distinguished place amongst all the civil accomplishments. Extensive, therefore, are the benefits which the eloquent man confers, and the dependancies which he creates, who readily toils, who earnestly labours in the service of many, and like our ancestors, all without fee or reward.

This subject gives me a fair opportunity of bewailing the present cessation, not to say the extinction of eloquence; but I am afraid my complaints will seem too much to regard myself. Let me however observe, that amongst our surviving orators, few promise much, fewer perform well, yet many undertake boldly. But though of all mankind, not very many can excel in the knowledge of the law, or the practice of speaking; they may however, by their application serve a great many people, by soliciting favours for their clients, by recommending them to judges or magistrates, by taking care of their interest, and by soliciting the assistance of skilful lawyers, or able speakers.

Whoever pursues a practice like this, must acquire great interest, and the effects of their industry will be very diffusive.

I scarcely need to put such upon their guard in a matter that is obvious, that they take great heed while they are serving some, that they do not disoblige others. Oftentimes, however, they are unjust or imprudent in their provocations; if this is done unwillingly, it betrays negligence; if knowingly, presumption. Wherever you offend against your intention, you are to make the best apology you can, and to show the party that what you did was through necessity or inability to act otherwise; and if any injury is done, you are to make amends for it by subsequent acts of justice and duty.

*how to
make up
for injury*

XX. But as in assisting mankind we are generally directed by either the morals or the situation of the party, it is a common saying, that drops out upon all those occasions, "that in conferring favours we regard not the fortune but the merits of a man." The saying I own contains a fine sentiment. But after all, show me him who does not choose by his services to oblige the man of great estate and power, rather than the man who with no riches has great merit. For wherever we think our services can meet with the surest and the quickest return, we are always there most ready to oblige. But we ought more carefully to examine the nature of

things. For though the poor man may not have the means, yet he may, if he is an honest man, have inclination to be grateful. It was therefore shrewdly said, say it who will ; " Money that is owing is not paid ; and money that is paid is not owing ; but the man who pays gratitude possesses it, and the man who possesses it pays it."

Besides, when men imagine themselves to be rich, honoured, and happy, they are unwilling to be put under obligations by services. Nay, they think you are indebted to them by their deigning to be indebted to you, even for a considerable service. They are likewise jealous that you expect, or are to ask them somewhat in return. But it is death to them to be obliged to a patron, or to be called clients ; while the poor man who receives a favour, in which he knows that his poverty was the sole motive for conferring it, strives to oblige not only those who have served him, but those (for many such he wants), who he expects are to serve him in time to come. And if he chances to discharge any part of the obligation, he is so far from magnifying it by any expression, that he strives to lessen the value of the return he makes you. There is another thing to be considered, that if you defend in a court of justice, a man of fortune and great rank, all the acknowledgment you are to expect is confined to his single person

gratitude

*upon whom
to bestow
favour.*
or his children. But if you defend a poor, yet worthy and modest man, all the lower people who are not quite profligate (of whom there are great numbers), will consider you as being their ready refuge. I therefore conclude, that an obligation is better bestowed upon an honest than upon a happy man.

We ought it is true to endeavour to serve all. But should two sorts come into competition, we are to follow the example of Themistocles, when one asked him whether he chose to give his daughter in marriage to a man who had little wealth but great merit; or a man who had great wealth and little merit? For my part, said he, I prefer the man without the money, to the "money without the man;" but our morals are corrupted and debauched by the court we pay to riches. And yet what concern can we have in this or that, or a third man's having an overgrown estate? It is very well (and that is not always the case) that it is of service to the owner. But granting it is, it may make him a more considerable, but it cannot make him a more honest man. But supposing one to be a man both of fortune and merit, I am far from thinking that his riches should be a hindrance to his being served, I only would not have them to be the chief inducement; for we are not to examine into a man's riches, but into his morals. The last rule I am to give concerning serving others,

is that we take care that we contend for nothing that is inconsistent with justice, nothing that injures another party. For justice is the basis of lasting fame and reputation, and without it nothing can be glorious. *justice*

XXI. Having treated of those services that regard particulars; I am now to explain those that relate to the generality of mankind, and to our country. Of these, some regard the community, others (and those are the most agreeable) the individuals composing that community. Could we reconcile the interests of both, it would be so much the better; but let us at least serve the individuals; yet in a manner they may be profitable, or at least not detrimental to the public. The large distribution of corn made by Caius Gracchus exhausted the treasury; but the moderate one of Marcus Octavius* relieved the people without being burdensome to the state. It was therefore salutary both to individuals and to the community.

Now it ought to be a preferable consideration with him who has a direction in the state, that every man's right be secure, and that no public act encroach upon private property. For the Agrarian law† that Philippus when tribune *but encroaches upon private property*

* *Marcus Octavius.*] He was joint tribune of the people with Tiberius Gracchus, and by him deprived of that office for opposing his schemes.

† *Agrarian law.*] Those laws for a distribution of lands

brought in, was a destructive measure ; he easily suffered it however to be over-ruled, and thereby discovered the greatest moderation. But amongst many popular actions he had one wicked speech : “ That there were not in Rome two thousand men who had property.” This remarkable speech pointed directly to a levelling principle, the greatest curse that can befall a government. For the securing every man’s property to himself is a chief reason why governments and states were formed. Nature, it is true, directed mankind to associate together, but it was in order to secure their separate properties that they sheltered themselves in cities.

Care should likewise be taken to avoid burdening the people with taxes, as they often were in the days of our ancestors, when the public treasure was low, or when wars were incessant. And to effect this requires great foresight. But should any government be under a necessity of this kind, for I choose not to forbode any misfortune to my own country, nor do I speak of our own state, but of government in general. Care should be taken to make the public sensible that the measure is indispensably necessary for their safety. All, therefore, who have the direction of government ought to provide plenty of every thing that is necessary for the public

created great disturbances at Rome, between men who had property and those who had none.

service. In what manner or quantity those things are to be provided I need not to point out; for all that is obvious; I only have thought proper to mention the head.

Now in the management of all public business, one main consideration is to remove from oneself even the slightest suspicion of avarice. "I wish (said Caius Pontius the general of the Samnites), that fate had reserved me to be born at the time when the Romans shall begin to take bribes, I should then have rendered their empire of no long duration." He must however have waited for many generations;* for that evil is but of late date in our country. I am therefore very well pleased that Pontius, as he was so vigorous a person, did not live in our days. It is not a hundred and ten years since Lucius Piso carried through the law against corruption; there being no such law before. But many such laws, and each more severe than the other, have been made since that time. So many have been impeached, so many condemned, such a war was raised in Italy through the fear of the laws, and so much in disregard to all laws and all forms of justice have we stript and plundered our allies, that we

*Law is
Corruption*

* *Many generations.*] The Pontius here spoken of was general of the Samnites when the Romans underwent the famous disgrace of the *Furcæ Caudinæ*. I have translated the word *Sæcula*, generations; for only 260 years fell between the time of Pontius and our author's consulship.

subsist through the weakness of others, and not by our own virtue.

XXII. Panætius praises Africanus for being incorruptible ; and well did he deserve the encomiums he gives him. But he had greater good qualities ; for integrity was not only a merit of his but of the times. Paulus was master of all the immense treasures of Macedonia ; which brought such riches into the public treasury, that the booty made by that one commander, put an end to imposts. And yet he brought into his family nothing but the eternal glory of his name. Africanus imitated his father, and was not a farthing the richer for having destroyed Carthage. But why multiply instances ? Was Lucius Mummius ; who was his colleague in the censorship, the richer for having razed to the foundation the richest of all cities.* He chose to adorn Italy, rather than his own house ; and in my opinion his house was adorned by the ornaments of Italy.

To return from this digression ; no vice is more detestable than avarice, especially in those who sit at the helm of government. For it is not only base, but wicked and execrable for a man to make a job of public property. The oracle therefore that was uttered by the Pythian Apollo, that “ Sparta would be destroyed only by her avarice,” was applicable not only to the Spartans, but to all wealthy states. Whereas

* *Richest of all cities.*] Meaning Corinth.

the heads of a government can recommend themselves to the people by no more effectual means than by integrity and uprightness.

As to the hunters after popular applause who either attempt levelling measures, by turning lawful proprietors out of their possessions, or by pushing on acts of insolvency in favour of debtors; such men weaken the very fundamentals of government. They destroy, in the first place, all unanimity by giving to some what they take from others; and in the next place all equity, by not suffering every man to have his own. For as I said before, the great advantage arising to men from their living in a community or city, is by every man enjoying his own property freely and securely.

Nay, the patrons of public corruption, that bane of government, are far from gaining so great an interest by it as they imagine. The man who is deprived of his property becomes an enemy. He to whom it is given pretends that he did not desire to have it; and (especially in the case of an insolvent act) he dissembles his joy, lest it should appear that he must without it have been a bankrupt. As to the man who receives the wrong, he not only remembers it, but carries the pain it gives him always about him. Nay granting that the number of those who suffer unjustly is not so great as that of those who are befriended dishonestly by such measures,

the latter are not therefore the stronger ; for we are to judge of both not of their numbers but their weight. Now where is the equity, that an estate which for many years, nay ages, has been in one man's family, should go to a man who has none ; and that the man who had it should lose it ?

XXIII. It was for injustice of this nature that the Lacedæmonians* expelled Lysander their Ephorus, and put to death Agis their king, a thing that never before had happened in that state ; and the disorders that immediately succeeded upon that period were so great, as to give rise to tyrants and destruction to their nobility, till that constitution that was so excellently well modelled was ruined. Nor was it ruined alone, for the mischief diffused itself more widely, and the contagion that broke out in Lacedæmon destroyed the rest of Greece. But what am I saying ; did not our countrymen, the Gracchi, sons of the excellent T Gracchus, and the grandsons of Africanus, perish in the same levelling controversies ?

Aratus† the Sicyonian has a just title to glory ;

* *Lacedæmonians.*] Their Ephori were officers of government, who were a kind of check upon their kings. The Agis here mentioned was murdered for endeavouring to revive some obsolete laws of Lycurgus, that tended to levelling property in the state. See his life of Plutarch.

† *Aratus.*] His life is likewise written by Plutarch, and though his conduct in the instance mentioned by our author was

who, when his country for fifty years had been possessed by tyrants, came from Argos to Sicyon, which city he made himself master of by entering it in the night time, after surprising and killing the tyrant Nicocles. He recalled from exile six hundred men of the greatest property in all the state; and by this adventure he delivered his countrymen from slavery. But observing insurmountable difficulties with regard to properties and possessions, he thought it highly unjust that those he had restored should be in want when others had their estates; nor did he think it quite fair to displace the present proprietors after fifty years possession; because during that time, a great deal of property must have passed from hand to hand without any fraud, by heritages, by purchases, and by dowries. Upon the whole he thought it imprudent to dispossess the one, and iniquitous not to satisfy the others, whose properties had been usurped.

Seeing that the matter could only be made up by money, he declared that he intended to go to Alexandria, and ordered every thing to stand just as it was till his return. He then posted away to his guest Ptolemy, the second king who reigned at Alexandria after it was built; and truly wise and virtuous, yet I own I should have been glad our author would have told us how Aratus ought to have behaved, had he not had the purse of his good friend Ptolemy to serve him at this pinch.

imparted to him his intention of delivering his country, and the scheme he was pursuing: upon which that wealthy king readily gave this great patriot so large a sum as answered his purpose. Returning with this money to Sicyon, he appointed fifteen commissioners with himself to try all matters of property between those who possessed the estates of others, and those who had lost their own, and by the means of an inquest into the value of the estates, he persuaded some to quit possession in consideration of money, while others by his persuasion thought it more convenient to take ready money, than to re-enter into possession of their own. By this management he preserved unanimity in the state, and all parties went away satisfied.

What a glorious patriot was this! A patriot whose birth would have done credit even to the Roman republic; his management was an equitable precedent for treating with fellow-citizens, instead of proclaiming a sale in the forum (as has twice been the case in my time), and selling the properties of citizens by the voice of a public crier. But that illustrious Greek, like a wise and virtuous patriot as he was, consulted the good of the whole; for the highest character, the truest wisdom of a patriot, is to preserve the properties of his fellow-citizens, and to bind all within one undistinguishing rule of equity.

There is a fellow who lives rent-free upon my estate. The reason? Am I to buy, build, inspect, and expend, while you in spite of me enjoy all the benefit? Is not this the case, when this man is deprived of a property that is his, and that man is presented with an estate that is another's? For what meaning is there in an act of insolvency, but that you may buy an estate with my money. You are to have the estate, and I am to lose my money.

XXIV. Such a plan of government therefore ought to be laid down, as that no private debts should be prejudicial to the state. Many are the ways of effecting this, and should there be already any excesses of that kind, the rich are not to lose their own, nor are the debtors to engross another's property. Of all the barriers of government, the strongest is public credit, which must be destroyed, unless the payment of debts is made one of its indispensable rules. Never was a more violent struggle for a general act of insolvency, than what happened when I was consul. The measure was pursued by armies and encampments of men of all ranks and orders, but so vigorous was my resistance, that this detestable principle was abolished out of the constitution. Never was there so much money owing, and never was it more faithfully or more readily paid: for when all the means of cheating were taken away, the necessity of paying followed.

But our late master,* who was mastered at that time, wantonly carried into execution his projects when he was under no necessity of doing it, for such was his propensity to wickedness, that he was wicked for the sake of wickedness.

property sacred
 True patriots, therefore, while they are at the head of government, will detest all that kind of bounty which robs one to enrich another; and their chief care will be that the law and the courts of justice preserve every man in quiet possession of his own property; that thus the meaner sort may through weakness suffer no injustice, nor the richer be prejudiced by public clamour, either in asserting or recovering what is their own. In other respects let them employ all measures they can, either in war or peace, to enlarge the empire, the possessions, and the revenues of their country. Such are the duties of great men; such were the duties practised by our ancestors. Those are the duties which will bring public favour and popularity to the persons, and peace and prosperity to the country, of all who practise them.

* *Late master.*] Meaning Julius Cæsar, Orig. *nunc Victor, tum quidem victus.* In this and many other passages of this work relating to that great man, I think our author does no great honour either to his own gratitude, or judgment, or steadiness. The very reflection thrown out here is not only rancorous and indecent, but unjust and wicked, nay, cowardly.

But with regard to rules of utility, Antipater of Tyre,* a Stoic who lately died at Athens, thinks that Panætius has omitted two, the care of our person and of our purse: I think that great philosopher omitted them, because they were easy and obvious: but useful they certainly are. Now health is preserved by our knowing the constitutions of our own bodies, and by observing what things are prejudicial or serviceable to our health, by our being temperate in food and raiment, so as that they may preserve our persons, by our avoiding pleasures; and lastly, by the skill of those who possess the art of medicine.

As to our private estate, it ought to be acquired by means that have nothing dishonest in them: it ought to be preserved by industry and economy, and enlarged by the same virtues. Xenophon, the disciple of Socrates, has treated those matters with great propriety in his book called and entitled *Œconomics*, which when I was about the age you are now, I translated from Greek into Latin.†

XXV. But the comparison of things useful, as that is the fourth head which has been omitted by Panætius, is often necessary. For bodily

* *Antipater of Tyre.*] Antipater was the name of several Stoic philosophers; he, mentioned here, was the friend, companion, and tutor of Cato of Utica.

† The translation here mentioned is lost.

used to be compared with external advantages ; and external with bodily advantages amongst themselves, and the same with regard to external advantages. External advantages are compared with bodily, in this manner : you prefer good health to much riches. Bodily are compared with external advantages : thus it is better to possess riches than the most vigorous constitution of the body. Our bodily advantages are thus compared with one another : good health is preferable to pleasure, and strength to swiftness. Externals thus : glory is preferable to riches, and an estate in town to one in the country.

A saying of the elder Cato falls under this head of comparison. Being asked what is the first method for improving a private estate ; his answer was, " By feeding cattle very well." What is the second ? " By feeding them pretty well." What the third ? " By feeding them, though but poorly." What the fourth ? " To labour the ground." Being asked what he thought of a man who took usury for his money ? His answer was, " What do you think of a man who murders another ?" From this and many other instances, it is plain that comparisons of advantages are usually made ; and that I was in the right to add this as the fourth head for finding out our duty.

But the whole of this subject, and whatever

relates to gaining, laying out, or lending money, is much more accurately discussed by certain men of worth who ply near the Exchange* than it can be in all the schools of the philosophers on earth. It is proper however we be acquainted with those matters for they relate to utility, which is the subject of this book. Now to proceed.

* *Exchange.*] Orig. *Ad Medium Janum sedentibus.* The Medius Janus answers to our exchange, and was a place of Rome resorted to by all brokers and monied men for laying their money out to advantage.

CICERO DE OFFICIIS;

HIS TREATISE

CONCERNING

THE MORAL DUTIES OF MANKIND.

BOOK III.

MARCUS, my Son,

I. THE elder Cato who was almost of the same age with Publius Scipio, the first who was surnamed Africanus, has told us that that great man was wont to say he “never was less idle* than

* *Never less idle.*] *Nunquam se minus otiosum esse quam otiosum, nec minus solus quam cum solus esset. Paterculus, perhaps of all writers either ancient or modern, has given us the most finished character of this great man, and I shall here both transcribe it as being a master-piece of intellectual painting. Scipio, says he, tam elegans liberalium Studiorum, omnisque Doctrinæ, & Auctor, & Admirator, fuit, ut Polibium Panætiumque, præcellentes ingenio Viros, domi Militiæque secum habuerit. Nec vero quisquam, hoc Scipione, elegantius, intervalla Negotiorum, otio dispunxit, semperque aut Belli, aut Pacis, serviit, Artibus; semper inter Arma ac Studia versatus, aut Corpus Periculis, aut Animum Disciplinis, exercuit. Though the translating a sentence from this inimitable author, to do him justice, costs more than translating whole chapters and pages from almost any other, yet I shall attempt it on this occasion.*

“Scipio so elegantly both practised and admired the whole circle of the liberal art and sciences, that Polibius and Panæ-

when he had nothing to do ;” and “ that he never was less alone when he was by himself.” This was a truly noble saying, and worthy a great and a wise man ; as it intimated, that even when he had nothing to do he thought of business, and, when alone, he conversed with himself : so that in fact he never was idle, and he did not even want the company of any other person to keep him from loneliness. Leisure, therefore, and loneliness, which generally make other men listless, made him all alive. I wish I had reason for saying the same thing of myself. But if I cannot by imitation attain to that excellency of spirit ; yet to endeavour it is certainly in my power. For I am enjoying my leisure, being debarred by execrable force and violence from acting in affairs of state, or following the business of the bar. Having, therefore, left the city, while I rove from place to place in the country, I am often by myself.

But neither does this leisure resemble that of Africanus, nor is my loneliness to be compared with his. For in the intervals of his glorious services to his country, he sometimes indulged
tius, men eminent for genius, were his companions both at home and abroad. Never did man make more elegant stops than this Scipio did in the leisure of life and the pauses of business ; for he made them ever subservient to the arts either of peace or war. Ever habituated to arms or to learning, he was always employing his body in dangers, or his mind in study.”

a leisure hour and retired to solitude, as to a *leisure* harbour, to shelter him from crowds and company. But my leisure proceeds from the want of employment, and not from the love of retirement. For now that the senate is dissolved and the courts of justice abolished, what business either in the state or the forum can I follow with dignity?

Thus I, who in the former part of my life was followed by crowds, and was dear to my country, now live in solitude, and now hide myself as much as I can that I may avoid those villains who infest every place. But I have been told by men of learning, that of all evils we ought not only to choose the least, but that, even out of that least, we ought to pick all the good, if there is any in it. Thus I make the best use of my ease (not such an ease, indeed, as the man ought to enjoy who brought ease to his country), nor do I suffer myself to be listless amidst my loneliness, which with me is the effect, not of choice, but necessity. *solitude*

But even in my opinion, Africanus, in this respect had greater merit than I; for there is extant in writing no monument of his genius, no proofs of his leisure, no productions of his lonely hours. From thence we may conclude that the revolving and investigating the subjects which occurred to his thoughts, gave him full business and employment. But as I have not such a

strength of genius as to live in loneliness upon silent meditation only, I have thus employed myself in committing to paper all the subjects of my study and concern. Thus, I have written more in a short time since the constitution has been overturned, than I did for many years while it existed.

phil. Now no part of philosophy, my dear Marcus, is barren and waste, for all is rich and fruitful ; but no spot of it is more fertile or plentiful than that which treats of the duties which furnish the rules for our living uniformly and creditably. Therefore, though I dare to say you daily hear and learn those rules from Cratippus, the greatest philosopher of this age, yet I think it is for your edification, that such precepts should be for ever sounding in your ears, and, were it possible, that you should hear nothing else.

Though the same thing is expedient for every man who wishes to enter into life with credit, yet, I believe, for none more than yourself. Some perhaps* expect that you will succeed me

* *Some perhaps.*] I cannot help thinking, while I am translating this work, that in some passages we see the distress Cicero was in when he wrote it, by his inattention to the style, and sometimes a repetition of sentiment. But that is far from being the case in this introduction, which is both noble and elegant. There is in this passage an inimitable conciseness of expression, which I have endeavoured, but I am afraid in vain, to imitate. *Sustines enim non parvam ex-*

in glory, many in application, and more in dignities. You have, besides, loaded yourself with the weighty care of attending Cratippus, and at Athens too, that great mart of all the fine arts; and to return empty from thence would be shameful to yourself and disgraceful to the reputation both of the city and the master. Put forth, therefore, every power of mind, exert every effort of labour (if you take study to be rather labour than pleasure) to succeed in what you are about; and endeavour, as I have taken care you should be supplied with every thing, that you appear not wanting to yourself. But of this enough; for often and much have I wrote to instruct and advise you. I return to the remaining part of my proposed division.

II. Now Panætius, who doubtless is the most accurate that has treated of the duties of man, and whom I have chiefly with some emendation followed, laid down three heads of consideration upon duty. One when a man doubted whether what he was about was virtuous or disgraceful: the second, whether it was profitable or improfitable: the third, if there was any jarring between virtue and utility, how we are to make the most proper distinctions. His three first books treat of the two first kinds; and he promised to treat of the third, but never did. This to me is the more surprising as we are told by his dis-

pectationem imitandæ industriæ nostræ, magnam honorum, nonnullam fortasse nominis.

virtuous?
useful?
or disgraceful?

ciple Possidonius, that Panætius lived thirty years after he had published those books ; and I am further surprised, that Possidonius has in some loose notes so cursorily treated of this subject which he owns to be the most important in all philosophy.

I differ, however, with those who think that Panætius omitted this subject, not through oversight but design, and that he never intended to discuss it, because, say they, what is profitable never can jar with what is virtuous. Whether this division, which is the third with Panætius, ought to be omitted or not is matter of doubt ; but there can be none, that Panætius laid it down and left it untouched. For when an author divides his subject into three parts, and discusses two of them, it is plain the third remains to be handled. Nay, he himself, in the latter part of his third book, tells us, that he was still to treat of that division.

Add to this the unquestionable evidence of Possidonius, who, in one of his letters tells us, that Publius Rutilius Rufus, who was a hearer of Panætius, used to say, that as no painter ever attempted to finish that part of the Venus of Coos,* which Apelles had but just touched, be-

* *Venus of Coos.*] Apelles painted two figures of Venus. The latter which is mentioned here, he left imperfect at his death. Meanwhile, we find by the testimony of all antiquity that in Greece this great master and his contemporaries carried

cause the beauty of her face made them despair of making the rest of her person answerable ; thus no one had presumed to attempt what Panætius had omitted or left unfinished, because the parts he has finished are executed by so masterly a hand.

III. There can, therefore, be no doubt with regard to the intention of Panætius, but some may perhaps arise about the propriety of the third head he laid down, for enabling us to judge of our duty. For whether, with the Stoics, we account the honestum to be the sole good ; or with you Peripatetics, that it is so much the highest good, that all that can be brought to counter-balance it is next to nothing, yet there can be no doubt that virtue and profit never can come in competition with one another. We therefore are told, that Socrates used to mention with detestation the men who first disputed into a distinction those two principles which nature has closely united. Nay, the Stoics go so far as to affirm, that whatever is virtuous is profitable, and that nothing can be profitable but what is virtuous.

*virtue =
profit*

painting as high as sculpture was. Now that the Greeks have not been outdone or perhaps equalled in the latter, is certain from the many monuments that remain of their sculpture, but we have none by which we can judge of their painting. The remains of painting at Rome reach, some of them, so high as the Augustan age, but they are by no means equal to the great idea we conceive of the performances of an Apelles, a Protogenes, or a Zeuxis.

Now, if Panætius had been one of those who, estimating every thing according to the pleasure or the privation of pain that attends it, think virtue desirable, as being the efficient of what is profitable; he might very properly say, that profit sometimes comes into competition with virtue; but as he held the honestum to be the only good, and as to those considerations that oppose it with some show of profit or utility, that life was neither rendered better by their accession nor worse by their departure; there seems to be some inconsistency in his making it any subject of deliberation, whether the seemingly profitable may come in competition with the honestum?

*no clash
with virtue*

For I am of opinion, the meaning of our living conformably to nature, which the Stoics maintained to be the highest good, was, that we should always live agreeably to virtue; and that we should make use of all the other circumstances that nature approves of, but so as that they may not clash with virtue. This being the case, some people think that Panætius has improperly introduced the competition he here speaks of, and that it is a division that does not admit of any rules. Now the honestum, properly and truly so called, remains only with the completely wise, and is inseparable from virtue; but where wisdom is not perfect the perfect honestum cannot reside, though the resemblance of it may.

For all the duties that are the subject of this treatise, are by the Stoics called middle or subordinate duties, and are common to all, and extensive and practicable by many through the force of understanding and the progress of study. *direct duty?* But the duty which they term right or direct is perfect and finished, and, to speak in their own terms, complete in all respects; nor can it fall to the lot of any but a man absolutely wise.

Now all actions that give proofs of the subordinate duties being observed, seem to be completely perfect; because people in general have no notion how far they fall short of perfection; according to the measure of their understanding, they think that nothing is wanting. As we see it often happens that people who are no judges are pleased with poems, pictures, and the like, and praise them for properties they are void of; because I suppose there may be in them some degree of merit that takes with the unskilful who are unable to point out the defects of the piece, but when they are better informed by men of more knowledge they readily give up their opinion.

IV. The duties, therefore, that we treat of in these pages, are but virtues that are subordinate to right duty: nor are they the peculiar properties of the wise alone, but are in common to all the race of man. They therefore touch all who have a disposition for virtue. *Common virtue* But when the

Decii or the two Scipiones are mentioned as brave men, or when an Astides or a Fabricius is termed "The just;" we are not to expect from the former such a pattern of courage, or from the latter of justice, as we look for in a completely wise man. For none of them are supposed to be so wise as to come up to what we understand by a "wise man." Even they, such as Marcus Cato and Caius Lælius, who are reputed and said to be wise, were not wise in the strict sense of the word; nay, not all the seven wise men together were; but through a full assemblage of the subordinate duties, they wore a kind of semblance and show of perfect wisdom.

As, therefore, we are not to put the true honestum in competition with any measure of the profitable or beneficial, neither is the supposed honestum, I mean that which is practised by men who wish to appear to be men of virtue, ever to be put in comparison with private gain. And we ought as much to preserve and cherish that measure of the honestum which falls within our conception, as the wise are supposed to do that which is really and perfectly the honestum. For otherwise we never can persevere in our progress, if we have made any, towards virtue. But all this is applicable only to those who are accounted men of virtue by practising the moral duties.

Men who weigh every thing in the scale of

profit or conveniency, and will not suffer the balance to be cast by virtue, such men use to deliberate about the preference of the honestum to the profitable; but good men never use to do that. I am therefore of opinion when Panætius said it was the custom of some men to hesitate about this competition, that he meant, according to the letter of his own expression, it was indeed their custom, but not their duty. For it is not only disgraceful to prefer a seeming profit to virtue, but even to suffer them to come into competition, and to hesitate about the preference. Then what is it that we use to doubt and deliberate about? In my opinion, if a doubt arises, it is concerning the nature of the thing that is the subject of our deliberation.

*profit
over virtue*

For it often happens through circumstances, that what is generally held to be dishonest, is not really dishonest. Let me give one instance that reaches to a variety of cases. Can any thing be more wicked than to kill a man, nay, an intimate friend? But are we to load the man with guilt, who kills a tyrant, even though he should happen to be an intimate friend? The people of Rome, at least, are not of that mind; for they esteem it of all glorious actions, the most lovely. In this case, you may say, the benefit conquered the honesty of the action. By no means; but the honesty of it resulted from its benefit. Therefore, that we may form

an unerring judgment ; if, what we call beneficial, at any time should clash with what we conceive to be honest, we are to lay down a certain criterion for the rule of the estimate we make, and then we never can depart from our duty.

Now, this criterion, or rule of judging, is principally calculated for the doctrine of the Stoics, which I have chiefly followed in these pages ; because, though the ancient Academics, and your sect. of the Peripatetics (who were formerly the same with the Academics) preferred what is honest to what is profitable ; yet, it is more nobly sentimental to maintain, that whatever is virtuous, is, at the same time, profitable ; and that nothing can be profitable, that is not virtuous ; this is, I say, a nobler doctrine than that of those who maintain, that there is a kind of virtue that is not profitable, or a kind of profit that is not virtuous. But our academy gives us a great latitude, by leaving us at liberty to defend whatever carries with it the greatest face of probability. But to return to our criterion.

V. To rob a man of any thing, or to accommodate yourself by incommoding him, is more contrary to nature, than death, poverty, pain, or any other misfortune, that can happen either to our person or our external circumstances. For, in the first place, it ruins all intercourse

*Criterion
never
depart*

*robbery
etc
unnatural*

and society amongst men. Because, should we once indulge ourselves, in robbing or injuring another for our particular profit, the necessary consequence is, the dissolution of that society amongst men, which is chiefly agreeable to nature.

Let us suppose, that every one of our members is endowed with a property of consciousness, and persuades itself, that it would be more vigorous, if it could draw to itself the health of its neighbouring member. The result would necessarily be the consumption and death of the whole body. In like manner, was every man to engross to himself the properties of others, and to rob his neighbour of all he could for his own benefit, the necessary consequence would be, the destruction of intercourse and society amongst men. For as nature does not oppose giving ourselves the preference to any other, or our endeavouring to acquire whatever can make our own life more happy, she is absolutely against enlarging our own abilities, riches, or power, by robbing our neighbour.

Nor is this provision made only by nature, that is, by the law of nations, but likewise by the municipal laws, that regulate the government of all states; and which say, that we are not to injure another that we may benefit ourselves. This is the design, this is the meaning of laws; to preserve the connexions of

fellow-citizens, and whoever breaks into them is punished with death, with exile, imprisonment, or loss of property. Now, the properties of nature, which is a law both divine and human, are much more positive in this command; and whoever follows them (as all will do, who wish to live agreeable to nature), he never can fall into the crimes of coveting what is another's, or securing to himself what he robs from another.

To proceed. Sublimity and greatness of soul, politeness, honesty, and generosity, are much more agreeable to nature, than pleasure, than life, than riches: the neglect or contempt of which, when put in competition with the public good, is the character of a great and an elevated soul. But to rob another for your own advantage, is more contrary to nature than death, than pain, or any of their concomitants.

In the like manner, it is more agreeable to nature,* to undertake the greatest toils and

* *Nature.*] An Italian, one Cælius Calcagninus, a man of great reputation for learning and genius, who lived in the sixteenth century, took it into his head to treat this work of Cicero with great freedom and some indecency, by writing twenty-five, what he calls disquisitions, arraigning him of inconsistency, both with himself and other authors whom he followed; and the doctrine of the passage before us, gives rise to one of his disquisitions: "What Cicero writes on this head (says he) is directly contrary to what Aristotle has advanced; who says, that virtue is perpetually at war with our natural affections, and has for its objects the part of us

troubles, were it possible for the preservation or assistance of all mankind; like the mighty Hercules, whom the grateful voice of man-

that is least subjected to reason; for (continues he) no man is by nature endowed with virtue; but all mankind may attain to it through long practice; now there is no occasion for practice to acquire a thing that is natural. In short, it is the common opinion of all philosophers, particularly St. Paul, in his Epistles, and Plato, in his Gorgias, that virtue is not natural, though at the same time it has nothing in it that is repugnant to nature."

Notwithstanding this charge, if we take the whole of what our author says, under one view, his argument is very strong and conclusive.

"Man (says he) was born with certain affections of nature, amongst which self-preservation was the first, and his reason (which, likewise, is natural to him) led him to cultivate that affection, by associating himself with others, and making general provisions, in order that the preservation of himself may be secured by the preservation of the whole. Virtue was pointed out by reason, as being the basis of all those provisions; they could have had no other basis; and virtue, therefore, is most agreeable to the nature of man. Besides this, as virtue is the only thing that ought to be desirable in life, and as men by nature aim at perfection, virtue in this sense likewise is most agreeable to nature."

Cicero therefore does not, as Calcagninus would have him, say that virtue is natural to man, but that it is of all objects the best suited to man's nature, that is, to the first affections of his nature, which are to seek his own happiness and preservation. Our natural affections may, indeed, make war upon virtue, but that can only be, when reason, which is a constituent part of nature, is left out or is too weak; and St. Paul applies to grace, what Cicero applies to reason. As to the passage in the Gorgias of Plato, it is misunderstood, and

kind, mindful of his services, have placed in the assembly of the gods: this, I say, is more agreeable to nature, than with all the excellencies of beauty and strength, to live in retirement, not only without trouble, but amidst the most exquisite pleasures. Therefore, every man of an elevated noble genius prefers the one life to the other. From hence it follows, that the man who is directed by nature, never will injure another.

injuring to be avoided
 Lastly, whoever injures his neighbour for his own profit, either thinks that he does nothing contrary to nature, or he thinks that death, poverty, pain, the loss of children, relations, and friends, are more to be avoided than doing wrong to another. If he thinks, that by doing injustice to another, he does not commit a sin against nature; away with all reasoning with such a man, who deprives* human nature of humanity. But, if he thinks that injustice ought indeed to be avoided, but not so much as the more terrible evils of death, poverty, and pain, he is mistaken in thinking that the evils

it is surprising so able a man as Calpurnius was, should misunderstand it. For in that dialogue, Plato introduces Socrates disputing with a rhetorician, one Gorgias, and Polus his disciple, and having brought them over to his sentiments, a young fellow, one Callides, takes up the argument against Socrates, and endeavours to prove, that civil constitutions are repugnant to nature.

* *Deprives.*] Orig. *Omnino hominem ex homine tollit.*

which affect either the body or the fortune are more heavy than those which debauch the mind.

VI. We, therefore, all of us ought to have it in view, that our own private advantage is the same with that of the community; which, whoever engrosses to himself, puts an end to all social intercourse amongst men. Now if it is a rule prescribed by nature itself, that man ought to assist man, be who he will, merely because he is man, she necessarily by that rule implies that the good of all ought to be the concern of all. Which being the case, it follows, that we are all bound by one and the same law of nature; and consequently that the law of nature forbids us to injure one another. Now, the first proposition being undoubtedly true, the latter must be so likewise.

For it is absurd in some people to say, that they would not take any thing from a father or a brother in order to benefit themselves; but that the case is different with regard to the rest of the community. Such men suppose that no rights and no relation amongst fellow-citizens arise on account of the public good. A supposition that unhinges all society amongst men! Others say that we ought to pay a regard to the interests of our own community, but not to those of strangers; now such men break into the laws of that more extended society, that is

dictated to all mankind by nature; which, if dissolved, puts an entire end to all beneficence, liberality, goodness, and honesty; and the man who abolishes these, ought to be looked upon as an offender against the immortal gods; because he subverts human society, which is the appointment of the gods themselves; and the strongest link of it is, that we hold it as a principle, that it is more contrary to nature for one man to rob another, than for him to endure all the unjust persecutions of fortune, of person, or even of mind, excepting* those that are dishonest in themselves; for honesty or justice is the mistress or queen of all the virtues.

Here I may be asked, is he not a wise man who, when he is himself starving with hunger, carries off victuals from a fellow who is good for nothing upon earth? I say, by no means.

* *Excepting.*] The original here is not a little obscure. *Quæ vacant justitia*, is the common reading; in which case Gronovius thinks, that *quæ* is the relative to *incommoda*; and the sense will be, "That is it more eligible for a man to be persecuted unjustly by fortune:" and I am not sure, whether he is not in the right. I have, however, followed the sense of those, who read *quæ non vacant justitia*, because I think it much more agreeable to Cicero's manner of writing, and his principles likewise; for, not only the Stoics, but other philosophers maintained, that the unjust affections of the mind were the greatest of all evils. So that the evils of the mind, Cicero here means, are the griefs and concern that afflict the mind for the loss of friends, fortune, or the like.

extended
bracket

injuring more
contrary than
all supposing

For my life is not more valuable to me than the principle of wronging no man for my advantage ought to be. Again, should a worthy man, who is ready to perish with cold, have it in his power to strip Phalaris, a cruel inhuman tyrant, of his robe; is he not to do it?

There is a very ready rule for judging in all such cases. For if you carry off any thing from a fellow who is absolutely worthless, only that you may accommodate yourself; your conduct is unjustifiable, and a violation of the law of nature. But if you are in such a situation, as that, by saving your own life, you can be greatly beneficial to your country and the community; I say, in such a case your stripping another man of a thing is not blameable. But if that is not the case, every man is to take up with his own inconveniency, rather than deprive another of what is his property. Upon the whole, therefore, disease or poverty, or the like, is not more against nature, than is our taking away or coveting what is the property of another.

But, at the same time, it is not agreeable to nature for us to abandon the good of the community; for it carries with it injustice. That very law of nature, therefore, which preserves and describes the interests of mankind, absolutely dictates, that the necessary supports of life, may be transferred from an idle useless

Life not more valuable than virtue

there are cases

member of society, to a worthy and a brave man whose death would bring great detriment to the community. Provided, that the party does not invade the other's property from an over-weening conceit of his own qualities, or love for his own person, but in the practice of every duty consults the interests of mankind, and of that human society so often recommended to our conduct.

As to the case of Phalaris, it is very plain ; for so far from our having a fellowship with tyrants, they ought to be the object of our aversion. Neither can it ever be against nature, if we can, to strip the man whom it is meritorious to kill. Nay, the whole pestilential execrable brood of tyrants ought to be extirpated from human society. For as we cut off those limbs that begin to be without circulation and sensation, and to infect the rest of the body : thus when the wildness and cruelty of a brute lives in the form of a man, he is as it were to be separated from all who possess the other inherent properties of human nature. All questions about cases, wherein our duty is determined by circumstances, are of the like kind.

Case 22

VII. I am therefore convinced, that Panætius would have discussed this, and other points of the same nature, had he not been prevented by accidents or other business. But we have abundance of rules laid down in his former

books upon those very heads, by which we may learn what we are to avoid on account of its wickedness, and what is not absolutely to be avoided because it is not absolutely wicked. But as I am, as it were, to give the finishing hand to a work that was left imperfect, but almost completed, I shall imitate the mathematicians, who instead of demonstrating all they teach, demand some principles to be granted them, that they may more readily explain their meaning. I therefore, my dear Cicero, desire you would allow me this principle if you can, that nothing is in itself desirable, besides the honestum. But if Cratippus will not suffer you to grant me so much, you must certainly allow that the honestum is the object in the world that is most desirable in itself. Either concession will answer my purpose; both the one and the other are probable, which is more than any other proposition upon this head is.

only desirable

*most
desirable*

And in the first place, Panætius is right in maintaining it to be possible (not that profitable objects, for in that he would have gone against his own positions), but that objects which have an appearance of profit, may sometimes jar with those that are virtuous. As to what is profitable he repeats it, that nothing is so but what is virtuous at the same time, and that nothing is virtuous that is not profitable. And he maintains that of all opinions that are the

Virtue = profit

*don't separate
2 principles*

plagues of human society, the most detestable is that of men who separate those two principles. He therefore laid down that seeming (and it only was a seeming) contrariety; not that we should ever prefer the profitable to the virtuous, but that we might form a just estimate of both, should we ever fall into any doubt upon that head. I am now to finish that part of his plan which he has not touched upon; and that too out of my own funds (as the saying goes), without assistance from any other. For nothing has been wrote since the days of Panætius concerning this subject: at least nothing that I have seen and can approve of.

*utility and
virtue
exist in
wickedness*

VIII. Now we necessarily are touched with every object that presents itself with an appearance of profit or utility. But if upon examining it more attentively, you perceive wickedness to be connected with that object which is thus seemingly useful, you are then not to abandon the true utility, but you are to take it for granted that where there is wickedness there can be no such thing as utility. Now as nothing is so contrary to nature as wickedness, so nothing is more agreeable to it than utility; for nature affects whatever is fair, whatever is agreeable, whatever is uniform, and loathes their opposites. It therefore infallibly follows, that utility and wickedness cannot exist in the same object. In like manner if nature has

formed us to virtue, and if she, according to Zeno, is the only object that is desirable, or according to Aristotle, if she infinitely outweighs all other objects, it will follow, that whatever is virtuous is either the sole, or the supreme good. Now what is good certainly is profitable, therefore whatever is virtuous is profitable.

The mistaken principles therefore of dishonest men, whenever they fasten upon an object that has an appearance of profit to themselves, immediately put all consideration of virtue aside. This gives rise to assassinations, poisonings, and forged wills, thefts, public corruption, rapine, and the plundering of our allies and fellow-citizens. Hence proceeds the intolerable insolence of overgrown power; this in short is the root of undue ambition; and despotism in free states, is the most frightful, the most execrable monster we can figure to our minds. For they who possess it form their notions of the advantages attending it upon mistaken principles, without having any notion of the penalties inflicted by the laws, which they often violate, nor indeed of the wickedness of the thing, which of all punishments ought to be the most tormenting.

Away, therefore, with all who doubt (for the whole of their system is wicked and detestable), whether they should follow what they see to be

*power
vs virtue*

virtuous, or whether they should wilfully pollute themselves with guilt. There is wickedness in the very doubt, though nothing actual should follow upon it. We ought, therefore, never to doubt when it is wicked even to doubt. And if at any time we should have a subject of deliberation, the hope and expectation of our being concealed and undiscovered ought never so much as to enter into our heads. For if we have made any proficiency at all in philosophy, we ought to lay it down as a fixed principle, that supposing it could be concealed from the knowledge of gods and men, yet we are to do nothing that is avaricious, nothing that is dishonest, nothing that is lewd, nothing that is lascivious.

IX. Upon this principle it is, that Plato introduces his fable of Gyges; who at a time went into an opening that had been made into the earth by excessive rains, and observed there a brazen horse with a door in its side, which he opened, and saw within the dead body of a man unusually large, with a gold ring upon one of its fingers, which he took, and put upon his own finger. Being the king's shepherd, he immediately returned to assist at an assembly of shepherds. There when he turned the stone of the ring to the inside of his finger, he became invisible to all, while he himself saw every thing; and when he turned the stone to the

outside of his finger, he became visible again. Taking advantage of this quality of the ring, he first lay with the queen, and then, by her assistance, he murdered his sovereign and master, and destroyed every body who he thought would stand in the way of his ambition, without being visible to any eye, while he was perpetrating his crimes. Thus, by the assistance of this ring, he became all of a sudden king of Lydia. Now if a man perfectly wise were to wear this ring, he would think himself no more at liberty to do a bad thing, than if he had it not. For men of virtue love not what is dark, but what is honest.

Here some philosophers, otherwise well intentioned, but not quite penetrating, say (as if Plato either affirmed the truth or the possibility of the fact), that the whole of the story is a lying impudent fiction. Now the meaning of the ring, and the moral of the fable is this. Are you to commit a wicked action, to gratify your avarice, your ambition, your lust, or your love of power, though nobody was to know it, though nobody was to suspect it, and though it was to be for ever a secret both to gods and men? The ring, say those philosophers, is an impossible case. Granting* them to have a right to

* Granting.] Orig. *Negant id fieri posse ; quanquam potest id quidem*. I own myself very much dissatisfied with the common acceptance of this passage, as it has been understood by

make this objection, yet still I insist to know, were the thing possible, which they say is impossible, how they would behave? Their way of arguing is very illiberal. For they persist in denying the possibility of the thing, and there they hinge, without knowing the true meaning of the question; which is, what they would do could they be concealed without launching into the question, whether it is possible for them to be concealed? But supposing that they are to be pressed to death if they don't answer. Well, should their answer be, that provided they were sure of impunity they would act as best suited their own interests and desires; why then, they confess themselves to be bad men. But should their answer be in the negative, they then admit that every thing that is wicked is, from its own nature, to be avoided. But to return to my subject.

X. Many incidents with regard to utility critics and commentators, who make Cicero say, that the case of Gyges is not an impossible one. This is, I think, a sentiment unworthy of Cicero. I am therefore apt to think that the common reading is wrong; or else, that it is to be understood in the sense I have translated it; and even in this sense the passage, as it stands, is not indefensible, *Quanquam potest id quidem (subintelligitur negari) sed quero, quod negant posse, id si posset, quidnam facerent?*

As to what commentators talk of Cicero being here an advocate for providence, and the power of God, there is no more foundation for it than there would be for calling a man a good Christian, for asserting the reality of all our Saviour's Parables.

happen that are so specious as to confound our reason ; I don't mean so as to hesitate upon the preference of virtue to the greatest utility (for the very doubt carries wickedness along with it), but whether we may not, without any imputation of wickedness, pursue a measure that has an appearance of utility or profit ? When Brutus deprived his colleague Collatinus* of the consular command, he might be thought to act unjustly, because he was equally active with Brutus, and assisted in all the measures they took in expelling the royal family. But when the leading men of Rome came to a resolution of removing the kindred of the Proud, the surname of the Tarquins, and the very traces of monarchy ; as those measures were for the public good, they were so virtuous that they ought to have been approved of by Collatinus himself. The utility of the measure, therefore, in this case was sanctified by its virtue, which gave it all the utility it had.

But the case of the royal founder of Rome was different. His reason was hoodwinked by the

* *Collatinus.*] I cannot help thinking, that Cicero said to this treatise what Ovid said to one of his poems, *In felix habitum temporis hujus habet*. He seems to be immoderately exasperated at all tyrants for Cæsar's sake ; for unless he knew more of the story of Brutus and Collatinus than has come to our hands, I cannot think it very applicable in this case. The *non Civium ardor prava jubentium* of Horace is a much better system of patriotism than that which he approves of here.

appearance of profit; for he killed his brother because he thought it more profitable for him to reign by himself than jointly with another. Thus did he divest himself of the affections both of a brother and a man, in order to attain to that which appeared to be, but in reality was not profitable. Meanwhile he alleged the story of the walls in his own vindication; an improbable shuffling apology. He therefore acted wickedly, no offence to the memory either of the god or the monarch.*

Take advantage for it
 We are not, however, to overlook our own advantages or to make them over to another when we stand in need of them ourselves; for every man, when he can do it without injuring his neighbour, ought to avail himself of the advantage he possesses. Chrysippus,† amongst many other sensible things, says,

“The man who runs a race ought to stretch and to strain all he can in order to come in foremost, but he ought by no means to jostle or to trip up the heels of the man he runs with. Thus, in life it is not unfair for a man to appropriate to himself whatever may conduce to his

* *God or the monarch.*] Orig. *Pace vel Quirini vel Romuli dixerim.* Romulus killed his brother, pretending that the latter had been guilty of an insult upon him by leaping in derision over his walls which he was erecting. After his death, which he probably came to by his tyranny, he was made a god by the name of Quirinus.

† *Chrysippus.*] He was a Stoic of great reputation.

utility ; but it is unjust for him to rob another of it."

*just don't
rob
another*

Now the duties are very liable to be confounded in matters of friendship, it being equally inconsistent with our duty, not to do a friend all the services we fairly can, and to perform services for him that are unjustifiable. But the rule in all matters of this kind is short and easy. For no considerations of profit, such as riches, honours, pleasures, and the like, are ever to take place of friendship. Yet a good man will not, to serve his friend, do any thing inconsistent with the good of his country, his oath, or his promise ; even supposing him to be a judge in a matter* that concerns his friend ; for he puts off the character of the friend, when he assumes that of the judge. All in such a case that friendship requires is, to wish his friend to have jus-

* *Judge in a matter.*] Orig. *Judex*. I have in the course of my translating other works of our author, occasionally taken notice, that in Cicero's time the simple word *judex* did not properly signify a judge who gives a definitive sentence, but in fact a jurymen ; and were it not that it would give too modern an air to this translation, I would translate it so. The judge, in a cause whether civil or criminal, was either the *judex questionis*, or the prætor, who was obliged to pronounce sentence according to the verdict of the *judices* or jurymen, which he collected from the majority of their voices. They were in all seventy-two, sometimes more, sometimes fewer, and the party tried in criminal matters was, as with us, allowed a challenge (giving his reasons), against as many as he thought fit.

tice on his side ; and, as far as law admits of to indulge him in a convenient time for pleading his cause.

But when he is to give his verdict upon oath ; he ought to remember that he calls divinity to witness ; meaning, in my opinion, his own conscience, the most divine thing that divinity has bestowed upon man. It was therefore, a most commendable practice of our ancestors (and I wish it had descended to their posterity)* for when they solicited a judge, they bespoke his favour as far as was consistent with his oath. This solicitation is of the same nature with what I before observed a judge might virtuously grant to his friend. But were men to do every thing their friends desire them, such men would not be parties in friendship, but confederates in guilt.

I speak all this time of friendship as it is commonly understood and practised ; for, in men who are wise and perfect no such thing can exist. We are told, an instance of the union of affections between Damon and Phithias, who were Pythagoreans. The tyrant Dionysius con-

* *Posterity.*] I cannot conceive what Grævius means in objecting to the genuineness of this passage. " We cannot imagine (says he) that the Romans in Cicero's time were so abandoned and so wicked, as to require any thing of a judge that was inconsistent with his oath." I can very well imagine it, considering their great degeneracy and disregard, not only of the spirit but the forms of their constitution.

demned one of them to be put to death on a certain day, but he obtaining his liberty for a few days to put his affairs in order, the other became bail for him, body for body, that in case his friend did not return by the day, he should die in his stead. But the condemned person returning to the day, the tyrant was so much struck with this generosity, that he desired to be admitted a third person in their friendship.

Therefore, should a competition arise in friendship, between what is seemingly profitable and what is really virtuous, the former ought to be disregarded, and the latter preferred. Nay farther, in point of friendship, should we be called upon to do ought that is dishonest, let conscience and honour take place. By this means we shall attain to what we are now pursuing, I mean a rule for the right practice of this duty.

XI. But, in affairs of government, many mistakes arise from the appearances of utility. Witness our utterly demolishing Corinth.* The Athenians acted still more unjustifiably, by

* *Corinth.*] Our author blames this severity in another part of this work, and if the Romans had destroyed the inhabitants as well as the city, it would have been indefensible; but he hints at a very good reason they might have had for it, viz. the advantages of its situation, which might have provoked a rebellion in future times.

decreeing that the Ægeineans, because they were powerful at sea, should have their thumbs cut off. Even this, to them, had an appearance of advantage; because Ægina lay too contiguous to their port of Piræum.* But nothing that is cruel can be profitable. For human nature, which ought to direct us, is utterly averse to cruelty.

*Cruelty
is
profitable*

It is likewise absurd in a people to expel and shut out strangers from their cities; as Pænus† did in former times, and Papius‡ lately. It is true, that it would be impolitic to indulge a stranger in all the privileges of a citizen; and two very wise consuls|| carried through a law to that effect; but to debar a stranger from all intercourse with your city, is downright barbarism. In those cases, it is glorious to despise

* *Piræum.*] This barbarous cruelty, we are told by other authors, was inflicted by the Athenians on another occasion, for they cut off the thumbs of the captives whom they took in the Peloponesian war.

† *Pænus.*] He was tribune in the year of Rome six hundred and fifty seven.

‡ *Papius.*] He was tribune in the year of Rome six hundred and eighty, two years before Cicero was consul, and restored the law of Pænus, which had fallen into desuetude. Now this law regarded only the city of Rome, which was to be inhabited by none who were not natives of Italy. But by the Mucia-Licinian law, any foreigner might have had the privileges of a Roman citizen.

|| *Consuls.*] Viz. Quintus Scævola and Licinius Crassus, who carried through the Mucia-Licinian law.

the appearances of public utility for real virtue. We have had in our own country many noble instances of this magnanimity, especially in the second Carthaginian war, when our ancestors, after the dreadful defeat they received at Cannæ, discovered more spirit than they ever had done in the time of their prosperity. No indication of fear—no mention of a treaty—so powerful is virtue, that it effaces every false semblance of utility.

When the Athenians found themselves utterly unable to stand the shock of the Persian power, and had resolved to abandon their city, to place their wives and children at Trezæne, then to go on board their ships, and to defend at sea the liberties of Greece, they stoned to death one Cyrillus,* who spoke for their remaining in their city, and opening their gates to Xerxes. Now this man seemed to plead for the most profitable measure; but there can be no profit without virtue.

In the same war, after the great victory that was gained over the Persians, Themistocles† said, in an assembly of the people, that he knew of a project that would be of service to the state, but that it must not be publicly known;

* *Cyrillus.*] Demosthenes, in one of his Orations, adds, that his wife was murdered by the Athenian women.

† *Themistocles.*] We have the story in the life of Themistocles, by Plutarch.

he, therefore, desired the people to appoint some one to confer with him. Aristides was appointed. The project was, privately to set fire to the Lacedæmonian fleet, which had been brought down to Gytheum, and that would infallibly ruin the power of Lacedæmon. When Aristides returned to make his report to the assembly of the people, who were very impatient to hear it, he acquainted them that the proposal of Themistocles was indeed profitable, but dishonest. The Athenians therefore (because it was dishonest, concluding that it could not even be profitable) upon the report of Aristides, flatly rejected the proposal by the lump, without hearing any particulars. Their conduct was more justifiable than ours, for we indemnify the robbers, and oppress the allies of our country. Let us, therefore, lay it down as an invariable principle, that nothing that is dishonourable or dishonest can ever be profitable, not even after you are in possession of what you took to be profitable. For it is most pernicious to imagine that any thing dishonest can be profitable.

XII. Now, as I observed before, cases often happen wherein there appears a repugnancy of utility to virtue, but then we ought carefully to examine whether this repugnancy is insurmountable, and whether the two principles are not fairly reconcilable together. Of such a nature are the following cases. Supposing a man of

*Nothing dishon-
ourable can be
profitable*

virtue, at a time when the Rhodians are deeply distressed with want and famine, should import a large quantity of corn into Rhodes from Alexandria. At the same time, he knows that several other merchants have loaded their ships with corn, and saw them on their voyage from Alexandria to Rhodes. The question is, whether he is to conceal this circumstance from the Rhodians, or is he to make the best market he can? Now, supposing this man to be a wise conscientious person, what will be the matter of deliberation with him in this case? He will make no doubt of his not concealing the matter from the Rhodians, if there is dishonesty in that concealment, but his doubt will be whether there is dishonesty in it or not.

In questions of this kind, there used to be a difference in opinion between Diogenes* of Babylon, a learned serious Stoic, and his scholar Antipater,† a man of great penetration. Antipater was for laying every thing open, and for concealing from the buyer nothing that was known by the seller. But Diogenes thought, that the seller ought to discover, in the terms required by the civil law, the faults of his com-

* *Diogenes.*] He was one of the three learned men sent by the Athenians as their ambassador to Rome, and was greatly admired by Africanus the elder, and Lælius, and other wise and noble Romans.

† *Antipater.*] He was master to Panætius.

modity, and, in every other respect, to act upon the square ; but since he is come to market, that he ought to make the best market he can. I have imported my cargo, I have exposed my goods to sale, I sell no dearer than my neighbours (perhaps cheaper if the imports increase) and pray who suffers by all this ?

“ But (says Antipater), in answer to this, how do you mean ? Will you, the very condition of whose existence, the very principles of whose nature, which ought to be your mistress and directress, is, that you be the friend of man, that you contribute to the happiness of human society, whose advantages are to be the same with those of the public, and those of the public the same with yours ; will you, I say, conceal from your fellow-creatures their approaching relief and affluence ?” Here Diogenes may reply, “ Concealment and silence are different things ; if I am not at this very time explaining to you the nature of the gods or the final good, matters of greater importance to you than the benefit of the approaching corn, yet I am not concealing them. But it is not necessary for me to speak all that may be profitable for you to hear.” “ You will pardon me, (replies the other), it is necessary, if you pay any regard to that society which nature has linked together.” “ I do (answers Diogenes), but is that society of such a nature, that nothing in it can be called a

man's own? If that is the case, we are not to sell any thing but to give it away."

XIII. You see that actual dishonesty is entirely out on the one side of the question in all this debate, which reaches no farther than the expediency of the measure. He does not say I will do it, because though it is dishonest, yet it is profitable, but, that the profit of it is attended with no dishonesty; while the other party maintains that it ought not to be done because it is dishonest. † A conscientious man sells a tenement of houses, because of certain faults which nobody but himself knows of. They are infected, and they are thought to be healthy; nobody knows that every bedchamber is infested with snakes; that the materials are rotten, and the building ruinous. All this is unknown to any but the owner. Now I ask, whether, if the owner of those houses does not inform the buyer of all this, but sells them for more than in his conscience he knows them to be worth, whether he does not act like a villain and a cheat?

No manner of doubt he does (answers Antipater), why it is every whit as bad, nay the same thing, as not putting the bewildered traveller into the right road, to which the laws of Athens annexed a public curse; to suffer a buyer to plunge into a bad bargain, and through ignorance to rush into a very great misfortune! Nay

it is even worse than not showing the way, for it is wilfully and willingly leading another man into a mistake. But (says Diogenes on the other hand) how so? Did the seller force, did he so much as invite the buyer to make the purchase? The one has advertised the houses for sale because he disliked them, the other has purchased them because he liked them. Now if the man who advertises* "To be sold a substantial well built house," is not to be accounted a rogue, even though it is neither "substantial" nor "well built," far less is the seller to be blamed who does not say a word one way or the other. For when the buyer buys according to the evidence of his own judgment, how can the seller be guilty of any imposition? Now if, as in the case of an advertisement, a man is not obliged to make good all that he says, are you to oblige him to make good what he does not say? And indeed what can be more simple than for a man to tell the faults of a thing he is about to sell? Could any thing be more ridiculous than to hear a common crier proclaim by a landlord's order, "I am about to sell an infected house."

In some doubtful cases therefore, virtue is defended on the one part, and on the other utility is so strongly enforced, that it is maintained,

* *Advertises.*] The Romans put up bills advertising any thing to be sold, in the same manner as we do. *Orig. Proscripsit.*

the doing a profitable thing is not only virtuous, but that it would be dishonest not to do it. Those are instances of the disagreement that often arises between considerations of profit and of virtue. Now let us come to some determination upon the cases I have put, for I have stated them not to perplex but to be explained.

In my opinion then, neither the corn merchant at Rhodes, nor the landlord at Rome, ought to have kept their buyers in the dark. As to silence being no concealment, it becomes so, if for your own profit, you want to keep others in the dark as to things that you know, and at the same time concern them to know. Now can there be a doubt of the nature of concealments of this sort, and of the character of those who practise them? They surely are not consistent with that of an open, well-meaning, generous, honest, worthy man; but of the crafty, the sneaking, cunning, deceitful, wicked, sly, juggling, and the roguish. Must it not be a detriment for any man to lie under those and many other imputations upon his reputation?

XIV. But if they who say nothing at all are blameable, what judgment are we to form of those who have employed downright lies that they may over-reach another. Caius Canius a Roman knight, a man of some wit and learning, when for the sake of leisure,* and not of treasure

* *Leisure.*] There is in the original a jingle, that I thought

(to make use of his own terms), he went to Syracuse, he was heard to say that he wanted to buy a seat near that city, where he might entertain his friends, and amuse himself without any intruders upon his retirement. When this intention of his came to be a good deal talked of, one Pythius a banker at Syracuse, told him, that he had indeed, no seat to sell, but that he had a seat that Canius might make use of as his own, and at the same time he invited him to dine with him there next day. Canius having accepted of the invitation, Pythius who by dealing in money had a great deal to say with all ranks of men, sent for the fishermen and desired them to draw their nets next day, just before his garden, and gave them instructions what to do farther. Canius was punctual to his invitation; the entertainment Pythius gave was elegant; the water before the gardens was covered with boats, and every fisherman bringing ashore the fish he had caught, laid them before Pythius.

“Prithee Pythius (said Canius) what is the meaning of all those fishes and such a number of boats? ’tis surprising!” “Not a bit (replied the other), here we have all the fish that is taken at Syracuse; it is here they have depth of water, these fishermen could not carry on their business but for this seat of mine.” This made Canius

myself obliged to preserve in the translation, viz, *Otiandi non negotiandi Causa.*

how much
worse
deceit

so eager to have the seat, that he was very pressing with the other to sell it. Pythius was very shy at first, but in short Canius who was both rich and keen upon the purchase carried his point ; Pythius made his own price, and sold his seat ready furnished, security is given for the money, and the bargain is finished. Next day Canius invites his friends. He comes himself early, he sees no boat, he inquires of his next neighbour whether that was a holiday amongst the fishermen as he saw no boats. " Why no (replied the other), no boats ever fish here, and I could not think what the meaning was yesterday." You may guess what a rage Canius was in. But he had no remedy.

For my colleague and friend Aquilius* had not yet published his provisions against cozenage ; on which occasion being required to define cozenage, he said, " That it was pretending one thing and doing another." This must be owned to be a full and clear definition, and indeed Aquilius had an excellent talent in

Aquilius.] He was Cicero's colleague in the prætorship. Before his time the knowledge of the civil law, or rather the law of the twelve tables was confined to the lawyers, inso-much that we see Canius above mentioned did not know there was any remedy for the cheat that had been put upon him by the banker ; the provisions here spoken of, were certain forms of words made use of by the Romans in their dealings, and if these were not agreeable to that form, an action at law lay against the party.

defining any thing. Pythius therefore, and all who do one thing and pretend another, are traitors, rogues, and cozeners; nor can any thing they do be profitable, when it is polluted with such scandal attending it.

XV. But if the definition given by Aquilius is a true one, there ought to be no such thing in life, as either simulation or dissimulation. For a good man will practise neither, either to buy or to sell to advantage. But in fact our laws provided against that kind of cozenage, witness the provision in the twelve tables about wardships, and the laws of Lætorius* about incapacitating young men; and the decisions in equity without any law, but upon the action of *fide bona agitur* or honest intention. Now the directing words in other actions of equity are, in a reference upon a matrimonial affair *melius equius*, more fair and more equitably; in matters of trust, *Ut inter bonos bene agier*, to act as is use and wont amongst good men. Now where the ruling principle is more fairness and more equity, can there be the least room for cozenage? And where the use and wont of good men is the direction, can any unjust fraudulent practices take place? But according to Aquilius, *dolus malus*, or cozenage, lies in

* *Lætorius.*] This was a law to incapacitate all who were under twenty-five years of age from making contracts of a certain nature.

It is
even saying
good faith

simulation, or pretending a thing is that is not ; therefore in all our transactions we ought to detest lying of any kind. Neither buyer nor seller ought to employ sham bidders to enhance or beat down the value of what is put up ; when they come to make a bargain, both of them ought to make but one word of it.

Quintus Scævola, the son of Publius, wanting to buy an estate, desired the seller to let him know at a word what he must pay him ; the seller did so, but Scævola told him he thought it was worth more, and gave him a large sum over and above. All mankind must admit that this was acting like a conscientious man, but some will say that it was not acting like a wise man : *Can he* for by the same rule he might have sold a thing *unwise* for less than he might have had for it. Thus a most damnable distinction is introduced between virtuous men and wise men. Hence Ennius says, “ that wisdom* is unwise if she cannot act so as to profit herself.” I agree she is, provided Ennius and I agree upon the nature of what is profitable. It is true that Hecato† the Rhodian, a disciple of Panætius, in his treatise about the moral duties, which he addressed to Quintus Tubero,‡ says :

* *That wisdom.] Nequicquam sapere sapientem.*

† *Hecato.]* He lived about the year of Rome 640.

‡ *Tubero.]* He was a noble and learned Roman, but by his attachment to the Stoic philosophy, he lost the prætorship.

“ That it is the part of a wise man, while he does nothing to violate the customs, the laws, and the constitution of his country, to improve his private estate. For it is not enough that we enrich ourselves, because we ought likewise to enrich our children, our relations, our friends, and above all, our country. For the riches of a state consist in the power and wealth of its individuals.” This is a doctrine very irreconcilable to the action of Scaevola I have just now mentioned. For in fact Hecato tells us, that if he can keep out of the reach of the law, there is nothing he will not do for his own advantage. A doctrine that is at once ignoble and unamiable!

But if cozenage consists in simulation and dissimulation, few are the occurrences of life in which cozenage is not practised; and if the characteristic of an honest man is that he does all the good he can without injuring any, I will take upon me to say that such a man is not readily to be found. Wickedness, to conclude, never can be profitable, because it is always disgraceful; and because honesty is always laudable, it is always profitable.

XVI. With regard to the laws of sale, the civil constitutions have provided, that the seller should discover all the blemishes he knows of the thing he sells. For though the laws of the twelve tables go no farther than to oblige a party to perform all his parole engagements

under the penalty of forfeiting double, yet lawyers have likewise annexed a punishment to concealment. For they have laid it down as law, that if there is a defect or inconveniency in an estate, and if it be known to the seller, and he does not declare the same to the purchaser, the same shall be made good by the seller. *defect must be revealed by*

For instance : when the augurs were about to *seller* take some auspices from the augural observatory, they ordered Titus Claudius Centumalus to demolish his house that he had upon the Cælian mount, because the height of it obstructed their observations. Claudius advertised the whole estate, and sold it to Publius Calphurnius Lanarius, who received the same notice from the college of augurs. Calphurnius accordingly pulled the house down, but when he came to know that Claudius had advertised it for sale, after the notice he had received for demolishing it from the augurs, he brought the matter into a court of equity, 'that he might have such amends as right and conscience should award.' Marcus Cato, father to Cato our friend (for though it is common for sons to be known by the names of their fathers, yet the father of this light of the age is to be known by his son), was on the bench. The decree of this judge therefore was, that as the seller knew before he sold the estate of the notice from the augurs, and did not declare the same to the buyer, the

seller was therefore bound to make good the damage to the buyer.

Thus he thought it was a maxim in equity, that a buyer should be made acquainted with every blemish that is known to the seller. But if his decree was right, neither our corn merchant nor the landlord of the infected house can be justified in their concealing what they knew. It is true our civil constitutions could not guard against every species of such concealment, but they have very strictly guarded against all they can. Marcus Marius Gradititanus, who is related to our family, had sold an estate in houses to Caius Sergius Orata, which very estate he had bought from Sergius a few years before. The estate held in servitude of Sergius,* but Marius had made no mention of that, before he made the conveyance. The matter was litigated. Crassus was council for Orata, and Antonius for Gradititanus. Crassus hinged upon the point of law which says, that if a seller knows of an inconveniency, and conceals the same, he shall make it good. Antonius on the other hand, argued upon the equity: that as Sergius, who had sold the house, could not be ignorant of that inconveniency, there was no

* Orig. *Hæc Sergio serviebant.*] This is a law expression made use of to express certain privileges upon them which the seller of an estate or house reserves to himself when he sells them.

necessity to tell him of it. That he was not imposed upon, because he was perfectly well acquainted with the title under which he bought. But what does all this prove? You will only see from it, that craft and shuffling was by no means agreeable to our ancestors.

XVII. But the laws proceed in one method, *law is*
and philosophers in another, against frauds. *phil.*
The laws have cognizance of them only when they are palpable, but philosophers, as they are sins against reason and conscience, be they ever so concealed. But reason requires that nothing be done insidiously, nothing hypocritically, nothing deceitfully. Now is it not insidious to plant a gin, though you don't rouse and hunt the creatures into it, for they often fall into the trap without being driven. Thus you advertise a house to be sold, you plant advertisements in public places as so many gins; you sell your house because of its faults; and some one, for not knowing better, falls into the snare.

The depravity of custom has I know rendered this practice neither scandalous in life nor punishable by law; but though it is cognizable neither by law nor statutes, yet it is by the law of nature. I have said it often, and I must say it again, that society in the most general acceptation of the word, is of men with men. In a more contracted sense of men of the same nation, and in a more contracted still, of men

of the same city. Our ancestors therefore made a distinction between the law of nations, and the municipal laws. The municipal* may not in every respect be always the same with the law of nations, but the law of nations ought always to be the groundwork of the municipal. We have† no original mould taken from the very figure of

* *The municipal.*] Orig. *Quod civile non idem continuo Gentium, quod autem Gentium, idem civile esse debet.* Doctor Cockman translates this passage as follows, and is very full in his notes upon it: "Whatever we are bound by the civil constitutions to do to our citizens, we are not obliged by the law of nations to do the same to strangers; but whatever we are bound by this latter to do to others, the same we ought to do to our citizens also."

For my own part I think Cicero's sense to be very plain without any paraphrase. Amongst the Romans the civil law was the law of their own state and city, and was therefore made use of by them in the sense in which I use the word municipal, which amongst them was confined to their *municipia*, but we extend it to the laws that are peculiar to each state. Now though a particular state may through conveniency or some other reason, make ingraftments upon the law of nations, yet they ought to do nothing contrary to it, because the law of nations contains the fundamentals of human society.

† *We have, &c.*] This elegant passage is exceedingly difficult to translate, as it alludes to the arts of sculpture and drawing. I have expressed it as literally as I could, but for the reader's satisfaction I shall here set down the original. *Sed nos veri Juris, Germanæque Justitiæ solidam & expressam Effigiem nullam tenemus: Umbris & Imaginibus utimur: eas ipsas utinam sequeremur! feruntur enim ex optimis naturæ & Veritatis Exemplis.*

living law and genuine justice : delineations and sketches are all we have, and I wish we could follow them, for they are taken from those excellent copies that were drawn by nature and truth.

For how much force is there in the form, that ensnared by trusting to you and your honour, I be not cozened. How much is implied in that golden one, as ought to be in honest dealings amongst honest men, and without deceit. But who those honest men, and what those honest dealings are, is the great doubt. I know that the high priest, Quintus Scævola, said, there was the greatest force in those proceedings that were in their forms according to good faith, for he thought that the expression good faith was of the most extensive influence, and reached to wardships, companies, trusts, commissioners, purchases, sales, letting, and lending, which make up the system of social transactions. It requires a very discerning head (especially as there is such contrariety of opinions) to determine in such a variety of circumstances that may happen, how one man ought to act towards another.

Away therefore with all craft, and all that cunning which affects to look so very like knowledge, but has very, very different properties. For knowledge consists in distinguishing rightly in the choice of things good or evil;

but cunning (if every thing is evil that is dishonest), prefers the evil to the good. Nor is it only in the purchases of lands and houses that the laws of our government which are taken from nature, punish cunning and fraud. For in buying of slaves, all fraud in the seller is guarded against; for the edict of the ædile presumes, that he knows whether the slave is sickly, a runaway, or a thief, and provides against all imposition accordingly. The case, however, is different with regard to an heir.*

From hence it follows, that nature, being the source of law, the property of nature is that we do nothing to take advantage from another man's ignorance. Nor is there in life any thing more pernicious than roguery† that wears the mask of understanding; because she creates that multitude of cases which seem to set the profitable and the virtuous at variance with one another; for where is the man to be found who will be proof against wronging his neighbour, if through the

* *Heirs.*] Because being newly come to his estate, he is not presumed to be acquainted with the dispositions of his slaves.

† *Roguery*]. Orig. *Militia simulatio intelligentia*. I think this passage has been misunderstood. Dr. Cockman translates the whole of this sentence, "And indeed there is no greater mischief in the world than this wisdom, falsely so named, joined with baseness and knavery." But I cannot think that this comes up to our author's sense. L'Estrange seems to have had no idea of the original, for he translates it, "Craft under the mask of simplicity."

Slaves
Cunning

don't take
advantage

impossibility of being detected he knows himself secure against all punishment?

XVIII. Let me now, if you please, make some inquiry with regard to those cases in which, perhaps, the common run of mankind think they do nothing amiss. For you are to understand that I am not in this place to speak of murderers, poisoners, forgers, thieves, and public robbers; for such people are not to be reclaimed by the precepts and disputations of philosophers, but by jails and fetters. No, I am to examine the conduct of those who are in habit and repute men of worth.* Some people brought out of Greece to Rome a forged will, supposed to be that of Minucius Basilus, a rich man, and the better to succeed in their designs, they made Marcus Crassus and Quintus Hortensius, two

* *Men of worth.*] Orig. *Boni*. I wish our critics and translators had paid a little more attention to the importance of this word with our author, when he applies it to certain of his countrymen; for it generally conveys a concealed satire along with it. In short, he uses the word *bonus* here and elsewhere in his writings, to signify a good man, as that expression is understood upon the Exchange of London, or in Lombard-street; viz. a man of credit, who preserves all fairness and integrity, and for any thing that appears to the contrary, really possesses the virtues themselves. Dr. Cockman translates it, "Men of honesty and integrity;" but these words do not convey our author's idea. I have translated it, "Men of worth," because there is a kind of double meaning in the word worth, which Cicero certainly had in his eye here and elsewhere, when he uses the word *bonus* in this sense.

men of the greatest eminence at that time, joint heirs with themselves. Now, though those two great men suspected the forgery, yet being satisfied in their consciences that they had no hand in it, they did not refuse the small present that was made them through the guilt of others. Well, was it enough, do you think, for them to be conscious of not being active or concerned in the crime. No, in my opinion it was not; though I always was a friend to the one while he lived, and am no enemy to the other now that he is dead.

the will

But after Basilus had designed Marcus Satrius, his sister's son, to carry his name, and had made him his heir (the words are, "I make him the lord of my Picenian and Sabine estates"), is it not an infamy, is it not a stain upon the justice of those days, that two of the most leading men in Rome should possess the estate while the true heir succeeded to nothing but the name of his uncle? For if, as I observed in the first Book of this Treatise, the conduct of a man who does not resist or repel an injury when it is offered to any he is concerned with is blameable, how are we to judge of a man, who is so far from repelling, that he promotes an injury. To me, I speak for myself, even real legacies are dishonourable, when they are acquired by the arts of fawning, deceit, and flattery, by hypocrisy, and not by sincerity. Now, in those kinds of

matters, utility and virtue seem sometimes to be on different sides. But that is a mistake ; for the principles of true utility and real virtue are the same. And the man who is not convinced of that, must be exposed to commit every fraud and every villany ; for by reasoning within himself in this manner, “ such or such a measure, it is true, is virtuous, but the other is profitable ;” he blindly presumes to tear asunder considerations that nature has joined together ; an error that is the source of all fraud, all wickedness, and all guilt.

Therefore, if a man truly good had the art of slipping his name into the last wills of rich persons by only snapping his fingers, yet would he not use that art, even though he was secure against all suspicion. But endow Marcus Crassus with the knack of slipping into a will of a man, to whom he is in no way related, by snapping his fingers, and he shall even agree to dance in the forum.* But an honest man, or a man who lives up to my idea of honesty, will never make what ought to be another man's property his own. The man who is in love with such practices, admits in fact that he is ignorant of what honesty means.

Now were a man to examine the naked uninfluenced sentiments of his own heart, it would instruct him, that an honest man is he who does

* *Forum.*] Which was accounted infamous.

good to all he can, and who injures no man unless he is provoked by injury. Yet how? Does that man who removes it as it were by a charm the true heir, and gets himself substituted in his place, commit no injury? But it may be said, is a man to do nothing for his own profit or conveniency? To be sure he is; but at the same time he ought to be sensible, that nothing can be either profitable or expedient if it is dishonest. The man who is ignorant of this cannot be a good man.

When I was a boy, I have heard my father tell how Fimbria, a man of consular dignity, was upon the trial* of Marcus Lutatius Pinthia, a Roman knight of very fair character, who was liable to forfeit his deposit,† unless a verdict

* *Upon the trial.*] Orig. *Judicem fuisse*. The reader may perceive how very tender I am in translating the word *judex*, which I have already observed, signified in Cicero's time no other than a juryman; and this story in some measure confirms my observation which is founded upon a plenitude of other proofs; because, had Fimbria been sole judge, his declining to give any judgment would have put a stop to the course of justice; but as their verdict was concluded by the plurality of voices, and as any single *judex* or juryman had a liberty of not delivering his opinion, Fimbria might very well do what Cicero says he did.

† *Deposit.*] In cases of law-suits, both parties made a *sponsio* or deposit in the hands of the high-priest, and while it remained there it was called a *sacramentum*; and the money of the losing party was detained by the priest for sacred uses, that is, I suppose, for the use of himself and the fraternity.

went for him, "that he was a good man." But Fimbria refused to join in any verdict, lest by giving it against Pinthia, he should ruin the character of a man of reputation; or, by giving it in his favour, he should seem to pronounce any man to be a good man, a character that is made up of such an infinity of duties, and excelling qualities. Fimbria, therefore, as well as Socrates, formed his idea of a good man upon his being incapable of thinking any thing to be profitable, that was not virtuous. Such a man, far from presuming to commit, will not even think of a thing that he dares not publicly avow. Is it not, therefore, scandalous that philosophers should differ in a matter that is clear to peasants, who on this occasion have invented a well-known old proverb. For when they want to praise any man for his sense, sincerity, and virtue, they say, that you may venture to "play with him in the dark at odd and even;"* a proverb that can have no other meaning than that nothing can be profitable that is immoral, even though we could attain to it without the least check. You may therefore perceive that, according to this proverb, we are neither to suffer Gyges to make use of his ring, nor the other whom I mentioned

* *Odd and even.*] Orig. *Qui cum in tenebris mices.* This is a diversion still frequent in Italy, and is no other than one holding two or three fingers above the head of another, who was to guess at the numbers.

a few lines above of the snapping of his fingers, in order to make himself general heir to all estates. For as that which is disgraceful, let it be ever so secret, never can be rendered honest, so whatever is not virtuous never can be rendered profitable; because it would be a flat contradiction to the nature of things.

XX. Now the greatness of the reward is often a source of immorality. When Caius Marius had lost all hopes of the consulship, and had passed seven years after his prætorship without any public notice being taken of him, and without his making any dispositions to stand for the consulship; he was sent by that great general and patriot, Quintus Metellus, whose lieutenant he was, to Rome, where he accused his general to the people of protracting the war; telling them that if they would make him consul he would in a short time surrender Jugurtha either alive or dead into the power of the Roman people. It is true, he thereby obtained the consulship, but at the expense of his honour and honesty, by wrongfully impeaching the character of his own general, a great and a wise citizen whose lieutenant he was, and who had charged him with the commission he was to execute at Rome.

Neither did our kinsman Marius Gracchianus act quite like an honest man in his prætorship, when the tribunes of the commons applied to

*immorality
exchanged
for reward*

the college of prætors for a general regulation, to fix the standard of money which was at that time so uncertain and fluctuating that no man knew what he was worth. They therefore with common consent drew up an edict, allowing a trial and a penalty in case of conviction; and they appointed to meet all in a body in the afternoon at the rostrum: upon which they separated some one way and some another. But Marius went directly to the people who were assembled before the rostrum, and by himself declares the result of their joint deliberations; which let me tell you got him great favour; his statues were erected at every turning of a street, perfumes and incense blazed before them, in short never was there a man more popular.

Such are the considerations that sometimes embarrass mankind in deliberating upon their duty, when the violation of it appears to them but slight, but great profit is to result from it. Thus Marius thought there was no great harm done in prepossessing the people in favour of himself, and engrossing that popularity that ought to have been in common with his colleagues and the tribunes of the commons. He knew that it would greatly favour his pretensions to the consulship which he was then aiming at. But there is a general rule to which I would have you familiarize yourself; and that is, either be sure that the profitable considera-

tion be not disgraceful, or if it be disgraceful, never think it profitable. For how can we think either the one or the other Marius a man of virtue? Recollect, and put to work all your understanding that you may figure in your own mind the picture and idea of a good man. Will that idea correspond with a man's lying, slandering, anticipating, and misleading for his own profit? By no manner of means. Can any consideration be so important, can any profit be so desirable as to induce you to forfeit the glory and the character of being a man of virtue? Can an imaginary interest bring us a recompense equivalent to what it takes away, if it robs us of our good name, if it forfeits our honour and our honesty? For where is the difference between a man's changing himself into the form of a beast, and his carrying about with him the insensibility of a brute in the form of a man?

XXI. Again; the man who disregards all rectitude,* all simplicity of heart for the attain-

* *Rectitude.*] Orig. *Omnia recta et honesta.* Doctor Cockman translates this "all justice and honesty." But I can't help thinking that there is a meaning in the words of our author that is not expressed by the Doctor's translation. For what he blames in Pompey is not a gross disregard of all justice and honesty, but his neglecting that delicacy of conduct which is dictated by the simplicity and sincerity of intention; or the rectum and the honestum. There was no disregard of honesty expressed by Pompey in marrying Cæsar's daughter, there was nothing blameable in it but the concealed intention.

ment of power, does the same as a certain person did, who chose for his father-in-law, a man whose audacious presumption was to strengthen his power. He thought it a convenient measure if he could increase his own interest at the expense of another man's unpopularity; without regarding how disgraceful, how ineffectual this was, and how detrimental to his country. As to the father-in-law, he had always in his mouth two Greek lines taken from the Phænissæ of Euripides, which I here translate, inelegantly perhaps, but intelligibly :

In all things else he honest; but the prize
Of sovereign power dissolves the moral ties.

It was a bold stroke* in Eteocles, or rather in Euripides, who excepted out of the rank of vices, that very vice which of all others is the most abominable.

Why then do I dwell upon trifling matters, such as fraudulent successions, bargains, and sales? Here is an instance of a man who wished to be the monarch of Rome and the master of the world and succeeded in his wish: but should any man pronounce that to be an honest wish, I

* *Bold stroke.*] Orig. *Capitalis*. Doctor Cockman translates this expression by the word villanous, but neither the original nor the sense will bear it. Shakespeare cannot be deemed a villain for making a villain of Iago. The word *Capitalis*, unless joined to *Causa*, does necessarily carry a villanous idea, for it may be taken as I have translated it, and then Cicero is guilty of no absurdity.

will pronounce that man to be a madman. For in fact he justifies the ruin of law and liberty, and rejoices in their being flagitiously and execrably destroyed. But should any one confess that it is indeed wicked for a man to become the sole master of a state that always has been and always ought to be free, but that it would be to the profit of any man who could effect it, is there a reproof, or rather is there a reproach sharp enough by which I can reclaim such a man from so dangerous a mistake? Immortal gods! Is it possible for any man to find his advantage in the most horrible, the most execrable of all parricides, that of his country, even though the murderer should by his oppressed fellow-citizens be styled their father? Virtue therefore must direct utility, and in such a manner too, that though differing in sound, they may be the same in sense.

I so far agree* with the vulgar opinion that I

* *I so far agree.*] The original as printed in our author's text is, *Non habeo ad Vulgi Opinionem, quæ major Utilitas quam regnandi esse possit.* Doctor Cockman translates the passage, "I know the common people are apt to imagine that nothing in the world can be better than to govern." But I think this scarcely expresses our author's meaning; nor do I conceive that a translator is at liberty to reject a common reading, though it may be somewhat perplexed, and though in order to remove that perplexity some copyists of the text have altered it (as is the case here) so as to agree with their sense of the words. The manner in which I have translated this passage is uncommon, but it is defensible even according to the common reading, *Ad Vulgi Opinionem non habeo* (subintellige *Uti-*

think nothing can be more beneficial than the exercise of absolute power may be ; but then when I examine the matter according to the standard of truth, I find that nothing can be more unprofitable to the man who has acquired it through unjustifiable means. For how is it possible for any man to find his account in pangs, agonies, alarms by day and night, while the whole of his life is full of nothing but conspiracies and dangers.

Many, a monarch's throne betray,
And few are loyal to his sway.

says Accius ; but what throne does he mean ? Even a kingdom that descended in a lawful lineage from Tantalus and Pelops. But how many more will betray a throne that has been erected by an army of the Roman people upon the ruins of the Roman liberties, and had enslaved a state that before was not only free, but the mistress of nations. What a gloom must conscience throw over the mind of such a man ? What stings must he feel ? For where can be the be-

litatem) quæ possit esse major Utilitas quam Utilitas regnandi. This sense naturally and easily contrasts with what follows, and gives quite a different turn to the sentiment, which otherwise becomes jejune and trite. Cicero does not inveigh against all absolute power in government, for that would be absurd, because it was admitted into the Roman constitution in its freest times, as in the case of the dictatorship, but he abuses Julius Cæsar for acquiring the dictatorship in the manner he did.

nefit of life, if a man holds it upon such terms, that to take it away becomes a meritorious and a glorious action. If, therefore, things that appear the most beneficial are in reality not so, because they are accompanied by disgrace and dishonesty, it seems to be abundantly evident that nothing can be beneficial but what is virtuous.

XXII. Meantime, this point has been several times determined by our senate especially during the war with Pyrrhus, when Fabricius was general, and in his second consulship. For after Pyrrhus without any provocation had declared war with the people of Rome, who thereby were to fight for dominion with a monarch of high blood and great power, a deserter from him came into the camp of Fabricius and promised that if Fabricius would reward him he would go back as he came privately, and kill Pyrrhus with poison. But Fabricius carefully sent him back to Pyrrhus; for which he was highly applauded by the senate. Now if we are to regard only the show and the appearance of utility, this single deserter would have at once put an end to a dangerous war, and a powerful enemy of their empire. But the disgrace would have been deep and indelible had they conquered the man with whom they had a contest for glory, by wickedness and not by valour.

Which therefore was most profitable? For

*Pyrrhus
17*

Fabricius who in Rome was the same that Aristides was at Athens, and a senate that never separated utility from dignity, to encounter their enemy with arms or with poisons? If glory is our motive for courting empire, away with all wickedness, for wickedness has no fellowship with glory. But if we are to court power by any means, power never can avail us, if it is attended with infamy. Unavailing therefore was the opinion of Lucius, son to Quintus Philippus, for again rendering tributary those states that Sylla for a sum of money had made free by consent of the senate, and that too without repaying the money they had advanced for their freedom. The senate indeed came into his opinion, to the disgrace of our government, for robbers are more to be trusted than such a senate. Our revenue was improved. Was it therefore a profitable measure? How long will men dare to say that any thing can be profitable that is not virtuous?

For is it possible that detestation and infamy can be profitable to any government that ought to be founded upon glory and the affections of our allies? My friend Cato and I, therefore, used to differ upon this head; for I thought him too inflexible an advocate for the treasury and the revenue. The farmers could gain nothing from him, and our allies very little; though we ought to be kind to the latter, and to treat

the former as we would our tenants ; and the rather because that good correspondence between the two orders which I then recommended was beneficial* to the public. It was likewise a wrong maxim in Curio, while he approved of the equity of the petition of the people beyond the Po, to add always, let profit take place. He ought to have said, it is not equitable,† because

* *Was beneficial.*] Orig. *Illa Ordinum Conjunctio ad Salutem Reipublicæ Pertinebat.* Doctor Cockman translates this, “ All the safety and welfare of the republic depends upon the agreement of the several orders in it.” But that is not the meaning of our author, who by the word *illa* plainly enough alludes to a well known fact, viz, that he endeavoured before the late revolution, to oppose it by uniting the order of the knights with that of the senate, which Cato prevented by his severity, and thereby made a breach by which all the public calamities entered. The fact alluded to, is very fully laid down by him in his Epistles to Atticus.

† *It is not equitable.*] The original by the common reading runs thus : *Potius diceret non esse æquam, quia non esset utilis Reipublicæ quam cum utilis esse diceret, non esse æquam fateretur.* Grævius, and Doctor Cockman, both able men, have understood this in a quite different light from that in which I have translated it. Grævius thinks that in express disagreement with all manuscripts and books, the original ought to run thus : *Potius diceret non esse utilem Reipublicæ, quia non esset æqua, quam cum utilem esse diceret, non esse æquam fateretur ;* and the reason he gives for this alteration is extremely plausible. Curio says he admitted the measure to be equitable, but was against it because it was not profitable ; therefore Cicero thinks he ought to have said, ‘ let equity prevail, though profit be against it ;’ for when equity and profit differ, equity ought to take place. Doctor Cockman translates it in the same sense.

it is not profitable to the state, rather than by admitting it to have been profitable, to imply that it might not be equitable.

XXIII. The sixth book of Hecato concerning duties, is full of questions of this kind. Whether it is the part of a good man not to maintain his slaves during a very great dearth of provisions? He takes both sides of the question. But after all he measures his duty by what he mistakes for utility,* rather than by humanity. He

Slaves

As I am very unwilling to admit a variation, if the undoubted reading can be retained, I have examined this passage, and cannot admit that Curio voted or spoke against this measure, because it was unprofitable. I am rather of opinion that Cicero blames him for giving so bad a reason for his voting for it as that of utility, when he might have given a much better, that of equity. For our author having again and again inculcated, that true utility and equity are inseparable, says, that if Curio had found the measure to have been detrimental to the state, he ought boldly to have pronounced it to be unjust: but it was wrong for him to put his speaking for it upon the footing of utility only, as if that consideration ought to have overborne all equity.

* *Utility.*] Orig. *Utilitate putat Officium dirigi magis quam Humanitate.* I cannot think that Doctor Cockman has translated this passage rightly. His words are, "But at last concludes, that he should rather be guided by his interest than humanity." This gives us a shocking idea. But the meaning of Hecato, according to Grævius is, that the consideration of the good of a man's wife, children, relations, and himself, ought to be his rule in this case, and that he ought to take care they should not suffer, by his giving to his slaves what they may want to support their lives. In this sense the *Utilitas* that

examines the case, whether when something must be thrown into the sea, one ought to throw into it a horse of price, or a worthless little slave? Interest inclines him to the one side, humanity to the other. Whether if a fool has in a shipwreck got a plank, a wise man may take it from him if he can? He is for the negative, because the taking it would be unjust. But supposing the owner of the ship to come, may not he seize upon what is his own? By no means, answers Hecato; no more than if he should order one of the passengers to be thrown out of the ship into the sea, because the ship is his own. The reason is, till he comes to the place for which the ship is freighted, the ship is not the property of the owner, but of the passengers.

Again, supposing the two persons shipwrecked

Cicero mentions here, is no other than one humane consideration attended by a prudential consideration, opposed to a humane consideration without a prudential one. But I own I am not pleased with this sentiment, chiefly because it is too laboured.

But it is surprising that Doctor Cockman should have mistaken our author's meaning here, since he himself in his Latin edition of this piece, mentions some of the best manuscripts at Oxford, that read the whole of the passage *Utilitate, ut putat Officium dirigit*; and Gronovius the younger says, that all the old editions, and almost all the manuscripts, preserve this reading, which makes the sense clear and consistent with the whole tenour of Cicero's reasoning upon the *Utilitas* (see the last note), and I have translated it accordingly.

to have got hold of one plank, both of them equally wise, are both to tug for it, or is the one to resign it to the other? Let one of them resign it, if that other's life is more valuable either in a public or a private capacity. But supposing them to be equal in both these respects, what then? Why then there can be no debate upon the matter, and whoever resigns it, the thing must be looked upon as a mere chance, and a toss up at odds or evens. Supposing one's father to pillage temples and undermine the exchequer: is the son to lodge an information against him with the magistrates? It would be unnatural in him if he did. No, he ought rather to defend his father if he is impeached. Is not our country then to have the preference in all our duties? By all manner of means. But it is for the service of every country, that children be affectionate towards their parents. Supposing a father shall design to seize the government, and to betray his country, is the son to be silent? Why he is in that case, to beg his father not to proceed; if he cannot prevail, he is to reproach him; he is even to threaten him. At last, if the matter points to the ruin of his country, he is to prefer the safety of his country to that of his father.

Hecato likewise inquires, whether if a wise man should unwittingly take in payment bad money for good, is he to pay it to a third hand

the plank

*turning
in dad*

counting it for good money, after he knows it to be bad? Diogenes is for the affirmative, but Antipater, and I think with more reason, for the negative. If a man is about to sell wine that he knows will not keep, is he to discover it? Diogenes thinks he is not obliged to do it; Antipater thinks he cannot be an honest man if he does not. These are what we may call disputable principles amongst the Stoics. In selling a slave you are to tell his faults (I don't only mean those, that if you do not tell them, will throw him back upon your hands), but whether he has a hankering after lying, pilfering, gaming, or drinking. Some think that they all ought to be told; others that they need not. Whether if a man should offer a lump of gold to sell, thinking it to be copper, the buyer is in conscience obliged to tell him that it is gold; else, he may buy for one crown that which may be worth a thousand? You may now have a clear notion both of my opinion and of the matters in dispute between the philosophers I have mentioned.

promises to keep XXV. Whether are we always to observe those agreements and promises which we make neither through constraint, nor misled (to use the prætor's term) by fraud and cunning? For instance: supposing a man gives another a remedy for a dropsical disorder, but upon this condition, that if it shall cure him, he is never

to make use of it again. Some years after he falls ill of the same disorder, without being able to prevail with the person who gave him the medicine, to grant him leave to use it again. What is the patient to do in this case? Why, as the other is so inhuman and so obstinate in his refusal, and as he cannot receive any detriment by the patient using the remedy, the latter is to take care of his own health and life.

Farther: supposing a wise man were to be required by another who makes him his heir, and leaves him seven or eight thousand pounds, that before he touches a farthing of it, he shall publicly and at broad noon-day dance in the forum, and the person agrees to do it as being the only condition by which he can enjoy the legacy. Is he to perform his promise, or is he not? I think it would have been better and more suitable to the character of a wise man, if he had not made the promise; but as he did make it, he will by touching none of the money, break it with a better grace than he can keep it; unless the money were to be applied to do some important service to the public in its distress, so that it would be no disgrace for him even to dance, since the end was to assist his country.

XXVI. Neither indeed are all those promises to be kept that are not for the advantages of the party to whom they are made. To give another instance from mythology: Sol promised to his

*promises
wh. des.
advantage*

son Phæton to do whatever he desired him to do. Phæton desired to mount his father's chariot; the giddy boy did mount it, and before he had well seated himself, he was struck dead by lightning. How much better would it have been in this case, for the father not to have kept his promise? Again, when Theseus obtained a promise from Neptune, what was the consequence? After Neptune had promised to indulge him in three wishes, he wished for the death of his son Hippolitus, whom he suspected of incontinency with his step-mother; and being gratified in his wish, it threw him into the most dreadful agonies.

What shall we say to Agamemnon's vow, who promised Diana the most beautiful mortal that was born for a certain year in his kingdom, and in consequence of that vow sacrificed to her his daughter Iphigenia. Had he better not have fulfilled his promise, than to have committed so horrid an action? Promises therefore, are sometimes not to be kept; neither are deposits always to be returned. Should a man in his senses entrust you with his sword, and when he is out of them, demand it back; in this case to return it is a crime, not to return it is a duty. Supposing again that a man deposits money in your hands, and then becomes an enemy to your country, are you to return the deposit? By no means. For if you do, you act against

your country, which ought to be your dearest consideration. Thus many things that naturally are honest, occasionally become dishonest. It is dishonest to perform promises, to stand to a bargain, to return a deposit, when the purposes they were to serve when they were made are reversed.

I think I have said enough concerning those objects that carry an appearance of profit under a mask of wisdom, though contrary to honesty. But as I in the first book derived the moral duties from four sources of virtue, I shall, in pursuance of that plan, show that all objects which are seemingly profitable, are really not so, if they are inconsistent with virtue. We have already discoursed of that cunning that seeks to pass for prudence; and of honesty or justice, which always is profitable. It remains now, that I treat of two divisions of moral duty, the first consisting in the well principled greatness of a virtuous mind; the other in adapting and guiding our lives according to the rules of integrity and moderation.

XXVI. It is pretended by dramatic poets (for I find nothing of it in the noble poems of Homer) that Ulysses thought it would be for his advantage to pretend* madness, because he wanted to be excused from serving in the expedition against Troy. This was a dishonest

* *Pretend.*] Orig. *Insimulant.* *Simulatione.*

purpose. But (it may be said by some) it was for his advantage to reign and to indulge himself in Ithica with his parents, his wife, and his son, and can you imagine that the glory which is acquired by incessant toils and dangers, is comparable to such a life of tranquillity? If I am asked this question, my reply is that I think such a life of tranquillity is mean and despicable, because I think that nothing that is dishonest can ever be advantageous.

Had Ulysses persevered in his dissimulation, what reproaches must he have undergone, when after all the glorious exploits he performed, he met with the following from Ajax :

The chief, you know it, who proposed the oath
Is the sole chief, who perjured through his sloth,
That crime to cover, madness did pretend,
And had completed his inglorious end ;
But Palamedes' sagacious eye beheld
His perjured craft, and dragged him to the field.*

Now he ought to have chosen to fight, not only his enemy, but with the waves, as was his case afterwards, rather than have deserted from the common cause of all the Greeks, who were confederates in a war against the barbarians.

But let us have done with fables and foreigners,

* *Field.*] These verses are probably from a play of Pacuvius concerning the contest for the arms of Achilles between Ajax and Ulysses. The story here alluded to, was Ulysses counterfeiting himself mad in order to evade his going upon the expedition. But he was discovered by Palamedes.

that we may come to a real fact, and that too performed by a countryman of our own. Marcus Attilius Regulus, when he was consul for a second time, being taken prisoner by Xantippus a Lacedæmonian captain (Hamilcar, the father of Hannibal, commanding in chief), was sent to the Roman senate upon his oath that if certain noble Carthagenian prisoners were not given up, he should return to Carthage. When he came to Rome he saw indeed the appearance of advantage, but as his conduct declared he judged it to be a false appearance. Here it was in his power to remain in his native country to live at home with his wife and family, and looking upon the misfortune of his defeat and captivity as only the fate of war, to have returned to the exercise of the consular dignity. Can all those be denied to be happy circumstances? How say you? I say that magnanimity and courage will think they are not. Can you desire authorities of greater weight? *Regulus*

XXVII. For the properties of those virtues are to fear nothing; to look down upon all transitory considerations; and to think that nothing can happen in life so bad but that it may be borne. How then did Regulus act? Why, he came to the senate, he laid before them what he had in charge, he refused to conceal* his *Authentic*

* *Refused to conceal.*] I can not help doubting the propriety of Doctor Cockman's translation, or rather reading, of this

own opinion, but said that while he was bound to the enemy by oath he was no senator. He even went so far (what a fool, say some, and what an enemy he was to himself!) as to deny that it was for the benefit of the public to deliver up the captives; because they consisted of young men and able officers;* but that he was now worn out by old age. His opinion prevailed; the prisoners were detained; he himself returned to Carthage without being stopped by the endearments of his country, his family, and his friends; and all this while he knew that he was returning to an inhuman enemy and a tormenting death; but he thought that he must keep his oath. For this reason, even at the time when he was put to death by being kept from sleep,† he was less to

passage. Orig. *Sententiam ne diceret, recusavit.* Which he translates, "He refused to give his own vote in the case." But I understand Cicero to mean that though being a captive, he could not give his suffrage as a senator, yet that he was not debarred from speaking his opinion: which we see in fact he does though possibly the senators would have persuaded him not to do it for fear of exasperating the Carthaginians. This translation is countenanced by one or two of the manuscripts consulted and quoted by the Doctor himself.

* *Able officers.*] Orig. *Illos enim Adolescentes, esse et bonos Duces.* I cannot see the reason why Doctor Cockman has translated this passage, "That they were young men and might make able leaders." It certainly is much better sense as the original stands, and the reasoning of Regulus is much stronger.

† *Kept from sleep.*] We are told that he was shut up in a

be pitied than if he had lived at home an old captive and perjured consular. "But what a fool was he (it may be said), not only to give his opinion against delivering them up, but persuaded the senate to detain them." How a fool? Supposing that thereby he served his country. And can any thing be profitable for an individual that is against the interest of the whole.

XXVIII. When men separate profit or expediency from virtue they confound the very fundamental principles of nature. Because we all of us pursue what is profitable for us; we are impelled to it; and it is impossible for us to do otherwise. For where is the man who declines what is profitable for himself? Or rather who does not eagerly pursue it? But as nothing can ever be profitable but what is consistent with glory, with gracefulness, and with virtue, we therefore look upon those as being the chief and the highest considerations in life, and understand the word profit or expediency as a matter that is more necessary than glorious.

Here some one may say, "And what mighty matter is there in an oath? Do we fear the vengeance of Jove in wrath? No; it is an agreed principle with all philosophers (not only of those who say that the godhead has no con-

small machine stuck all round with sharp spikes, after his eyelids were cut off; and kept there till he died.

cern about any thing, nor expects that any other being will trouble itself about any object, but even of those who think that the godhead is for ever acting or contriving somewhat) that he never is angry or mischievous. But suppose he is, could Jupiter even in a passion have hurt Regulus more than Regulus hurt himself? It was not therefore any religious scruple that made him forego so great an interest. Was it for fear of doing a disgraceful thing? In the first place, of two evils we are to choose the least. Now whether was there most evil in breaking his oath or in suffering the torments he endured? We are likewise to consider what Accius says, 'Have you not broke your promise?' The answer is, 'I neither gave it nor do I give it to any traitor.' For though this was spoke by a wicked king, yet there is great reason in it.

To this they add, "That, as we maintain that some things appear to be profitable without being really so, so some things appear to be virtuous that are not virtuous. For instance there was an appearance of virtue in Regulus returning to be tormented that he might keep his oath. But in fact it was dishonest; because he ought not to have performed a promise that was forcibly extorted from him by an enemy. They go no farther, and say that when a thing is extremely profitable it becomes virtuous though it appeared otherwise before." So much for the

arguments against the conduct of Regulus, let us now examine them as they stand.

XXIX. " We are not say they, to be afraid that Jupiter will do us any hurt in a fit of passion, because he has in his nature neither anger nor harm." Now this argument holds equally against the performance of any oath, as against the conduct of Regulus. But in the case of an oath we are not to regard the penalty but the obligation. For an oath is a religious affirmation. Now whatever you promise affirmatively calling God as it were to witness it, ought to be observed. The question therefore does not relate to the resentment of the gods, for in fact they have no passions but to the obligations of justice and truth. For it is a fine exclamation in Ennius :

Fair pinioned* truth ! thou oath of mighty Jove !

* *Fair pinioned.*] Orig. *O Fides alma, apta pinnis, & jusjurandum Jovis !* It seems the statue of truth, like most of the other moral deities had wings to denote its excellence.

The whole of our author's doctrine here is perhaps too sublime for human imperfection ; for though he supposes that Jupiter does not trouble himself about the punishment of perjury, though he is invoked to be witness to the oath (the propriety of which is not very clearly explained by our author), yet he supposes that the crime is punished by the very commission of it. I cannot however from the passage that is before us, help thinking that the old Romans here spoken of believed in providence, and the distribution of rewards and punishments in this life, for we see that they put the statue of truth by the side and under the protection of their greatest god.

The man therefore who violates an oath violates truth, whose image, as Cato tells us, in an oration, was placed by our ancestors in the capitol next to that of Jupiter, the best and the greatest.

But it was said "That Jupiter would not have hurt Regulus more than Regulus hurt himself." That is true, if pain is the only evil we can endure. But philosophers upon the strongest grounds* affirm that pain so far from being the greatest evil, is no evil at all. I therefore beg that you will not disregard the example of Regulus, who is no indifferent, perhaps the most weighty evidence of this truth. For what more unquestionable evidence can we have than that of one of the rulers of Rome, who voluntarily chose to suffer a tormenting death that he might not depart from his duty? As to their argument,

*. *Strongest grounds.*] Orig. *Maxima Auctoritate Philosophi affirmant; quorum quidem Testem non mediocrem, sed haud scio an gravissimum, Regulum nolite, quæso, vituperare.* Doctor Cockman translates this passage, "If we may credit some of the chief philosophers, among whom I pray you let Regulus be counted of no small authority; if I may not rather say of the greatest and most weighty." But I cannot be of opinion that this comes up to our author's sense. *Philosophi, magna Auctoritate*, is not usual with our author in the sense the Doctor takes the expression. *Auctoritas* signifies an indecisive opinion and is borrowed from the practice of the senators, whose *Auctoritas* (though of great weight) was indecisive on account of some interposition of the great magistrates who hindered it from being decisive.

“That of two evils to choose the least,”—they can mean nothing else by it, than that dishonesty is preferable to calamity. But can there be a greater evil than dishonesty? If bodily deformity disgusts us, how shocking ought to be the deformity and pollution of a dishonest mind? They therefore who have handled this subject with the greatest strictness, venture to call nothing an evil, but dishonesty, and they who discourse less severely, readily admit it to be the greatest evil. As to their argument from the poet, “I neither gave nor do I give my promise to a traitor,” he has put it very properly into the mouth of Atreus whose character it suits. But if we lay it down as a principle, that no faith is to be kept with a traitor, let them take care that they do not open an inlet for perjury.

Even war has its laws, and an oath is inviolably to be kept to an enemy; therefore whatever is sworn ought to be kept according to the construction that conscience* puts upon the words

* *Conscience.*] The morality of Cicero in his doctrine of oaths, has been very much questioned, and his expression here in the original is not a little obscure, *Quod enim ita juratum est ut Mens conciperet fieri oportere, id servandum est: Quod aliter; id si non feceris, nullum est Perjurium.* Now in the first place it seems a little absurd to suppose that the meaning of the person to whom the oath is given should be the rule for the performance of it; because that person may have a secret meaning, as well as the person who takes the oath. Doctor Cockman in order to avoid this absurdity, translates the whole

of the oath ; but you are to mind that alone ; for all other constructions may be disregarded without being guilty of perjury. For example,*

of the passage thus. “ For whatever you swear, for example, in such a manner as that all your conscience tells you it ought to be done, you are bound most inviolably to perform it.” But this translation I am afraid makes our author guilty of a still greater absurdity, by making the conscience of the taker of the oath the rule of its performance. Every body knows how apt mankind are to impose upon or to deaden their consciences, by mental reservations and the like, and what wild unjust things conscience often prompts men to do. But in fact I think our author ought to be charged with neither of those absurdities, because he speaks neither of the *Mens defférentis*, that is, the conscience of the person who administers the oath ; nor does he say *tua Mens*, as Doctor Cockman makes him say, but he speaks of *Mens* in general, that is the general notion of right and wrong, fitness or unfitness, and the like, which is or ought to be in the breast of every man. In this sense the reasoning of our author is extremely clear and consistent, for it includes not only the sense in which the person who administers, or the person who takes the oath understands it, but the sense in which each thinks the other understands it, provided that their understanding is directed by reason and conscience.

* *Example.*] Our author has been pretty severely handled by some of his greatest admirers for the position that here follows. Grotius after approving of the conduct of Pomponius Regulus, and other instances brought by Cicero, tells us that oaths not only take place amongst public enemies, *Sed inter quos vis*, “ but amongst all manner of men.” The reason he gives for it is, *Non enim Persona sola respicitur, cui juratur, sed is qui juratur Deus, qui ad Obligationem pariendam sufficit.* “ For (says he) the person to whom the oath is sworn, is not alone to be regarded, because our regard for God,

supposing that you bargained with robbers to give them a sum of money to save your life, and did not pay the money ; you will in this case

by whom the oath is sworn, is sufficient to bind us to the performance of it." But this is a very bad reason with respect to Cicero, who puts the resentment and all regard of the deity quite out of the question here, and grounds the moral obligation entirely upon the *honestum*, which every man ought to possess within himself.

Grotius goes on to say, " That though the law of nations has made a distinction between an enemy and a robber ; yet no such distinction can obtain here, because the question does not regard the man but the deity." One would be almost tempted to think from Grotius insisting so much upon this objection, that he had not read or not sufficiently considered the context ; in which Cicero admits that the deity does not mind us, nor regard whether we mind him or not.

Grotius goes on, *Neque id quod sumit Cicero verum est, nullam esse cum Prædone Juris Societatem. Nam Depositum ex ipso Gentium Jure, reddendum Latroni, si Dominus non apparet.* That is, " Nor is Cicero defensible in his assertion that by law we ought to have no connexion with a robber, for it is laid down by the very law of nature that a deposit is to be returned to a robber if the lawful owner does not appear ;" and for this, quotes Tryphonimus. As I do not intend to enter upon our author's defence as a casuist but as a translator, I shall not examine whether this opinion of Tryphonimus is right, but I think it is pretty plain that whether it is or not, it cannot affect our author's reasoning. For if the conscience of the man who swears to the robber, tells him that he is under an unlawful restraint, and that the oath were it not for that restraint would be unlawful, and that even the robber himself in his own conscience, either is or ought to be of the same mind, Cicero says that such an oath cannot be obligatory, and that the illegality of it arises from the robber's having

be guilty of no crime, even though you had sworn to perform it, because a robber is not to be counted a fair enemy; but the common enemy of all mankind. Therefore no faith is owing to him, nor as he a right like other men to exact the performance of an oath: for to swear* to what you do not perform is not perjury, but it is perjury not to perform that which you have sworn to perform "according to the best of your conscience," for so our law-forms run. It is therefore very properly said by Euripides, "With my tongue I swore, but my mind was free." As to Regulus it would have been wrong in him as he had to do with an open and declared enemy, to have transgressed the laws of war which prevail in times of hostility, by committing a perjury so expressly condemned by the *fæcial*† law and many civil statutes; otherwise our senate never would have delivered up to their enemies so many Roman citizens

no right to impose it upon you. Whereas no such illegality arises from the performance of an oath given to a public enemy, because all public enemies stand in the same light towards one another, which is not the case between an honest man and a robber.

* *For to swear.*] Our author's expression here is pretty remarkable, *Non enim falsum jurare perjurare est: Sed quod ex Animi tui Sententia juraris, sicut Verbis concipitur More nostro, id non facere, Perjurium est.* It is plain however that our author's meaning must be as I have translated it.

† *Fæcial.*] See Note p. 26.

of eminence, with their hands tied behind their backs.*

XXX. This puts me in mind of Titus Veturius† and Spurius Posthumius, who in their second consulship were delivered up to the Samnites for making a peace with them without being warranted by the people and senate, after the unfortunate engagement at Caudium, where our troops underwent the disgrace of marching beneath a gibbet. At the same time Titus Numicius and Quintus Mælius who were then tribunes of the people, were likewise delivered up for giving their opinions in favour of the peace, that the obligation of it might be cancelled. Now Posthumius himself moved and spoke for this rendition, though he himself was one of the persons who was to be delivered up. The same happened many years after, to be the case of Caius Mancinius, who spoke earnestly for the bill, which by order of the senate, Lucius Furius and Sextus Attilius carried to the

* *Hands tied behind their backs.*] This was because they had concluded treaties with the enemies of their country which their country did not think proper to ratify, and therefore they sent them back as prisoners and malefactors.

† *Titus Veturius.*] We have the whole of this story in Livy. It happened about the year of Rome 433, but I am not casuist enough to determine whether the Romans delivering up some of their general officers, sufficiently cancelled a treaty made under such circumstances as that of Caudium was.

people for delivering him up to the Numantines, with whom he had made a peace without warrant from the senate; and upon the people's passing the bill, he was accordingly delivered up to the enemy. This was acting more honourably than Quintus Pompeius did, whose case was the very same; but upon his humble application, the bill for delivering him up was rejected by the people. In this last instance, seeming utility got the better of real virtue. But in the other cases that I have mentioned, the show of utility gave way to the authority of virtue.

But it has been said, "that Regulus ought not to have performed what was extorted from him by force." But let me tell you, that force has no power over a determined mind. Why then it may be said, did he go to the senate, especially as he was resolved to speak against delivering up the captives? But you censure the very circumstance that is most glorious in all his conduct, for he was not determined by his own opinion, but became an advocate for a measure upon which the senate was to determine, and had not he himself argued for that measure, it is most certain that the captives would have been delivered back to their countrymen. By this means Regulus would have remained in honourable safety* at Rome,

* *Honourable safety.*] Orig. *Incolumis*. This expression which Dr. Cockman has translated by the single word safe,

but because he knew that this would not be for the advantage of his country, he conceived it to be more for his honour to speak and to suffer as he did. As to what we are told, "that what is extremely advantageous becomes virtuous." It must be in its present, and not in its future existence that it is virtuous, for nothing can be advantageous that is not virtuous. Nor is virtue the consequence of advantage, but advantage is the result of virtue. Upon the whole, amongst many wonderful instances of virtue, it will be hard to find one that is more glorious, or more excellent than this of Regulus.

XXXI. But of all his merit in this conduct, the circumstance that strikes us with the greatest admiration, is his giving his opinion for detaining the captives. For there is nothing very extraordinary in his returning to Carthage, when we consider that in those days it was impossible for him to have acted otherwise; so that it was no merit of his, but of the age he lived in. For our aucestors thought there was no tie so obligatory to the performance of a promise as an oath. As a proof of this, I may

appears from many passages in Cicero, and other classical authors, to imply safety with dignity, and in this sense our author's reasoning is more strong. For neither the Carthaginians nor the Romans could have blamed Regulus. On the contrary he must have appeared to great advantage with both people, had he been for sending back the prisoners, and therefore the opinion he gave was the more meritorious.

*Regulus
opinion
Carthage*

appeal to the laws of the twelve tables; I may appeal to the great charter* of the liberty of the commons; I can appeal to those treaties which bind us to good faith even with an enemy; I can appeal to our censors, who in all the course of their cognizance† and punish-

* *Great Charter.*] Orig. *Sacratæ*. These were the laws which the people of Rome obtained about sixty years after the expulsion of kings, and which they as much considered as the basis of their liberties, as the people of England do their *Magna Charta*.

† *Cognizances.*] Orig. *Notiones*. Dr. Cockman translates this word punishments, but that is not precisely the meaning of *Notio*. It is a term in the civil law, and is the same with *Notatio* and *Nota*. It signified a power of taking cognizance of a matter, but without having any actual jurisdiction over it. This was sometimes the case with the censors, when they made a report to the senate of a misdemeanour, either to get it punished, or to get the punishment they had inflicted upon it confirmed. In many cases, however, they had as the prætor had, a *Notio cum Jurisdictione*, that is, both the power of taking cognizance, and of pronouncing sentence. We are farther to observe, that neither the censorial cognizance or punishment disabled any man from enjoining all the privileges of a Roman citizen, unless the same came to a legal trial, or a particular provision was made by the senate for that purpose. Cicero in his Oration for Cluentius, mentions some senators who had been punished by the censors, and came afterwards to be censors themselves, and very illustrious senators. He adds, in the same oration, that no man, unless brought before a jury which he and his antagonist agree to be tried by, could suffer any legal disability, or to be adjudged in one farthing of money which the law could oblige him to pay. I shall only add to this note, that when the city prætor, or whoever

ments never were more severe in any case than in that of an oath.

After the dictatorship of Lucius Manlius, the son of Aulus, was expired, Marcus Pomponius, a tribune of the commons, brought an indictment against him for having exercised that office a few days longer than he ought. He was likewise accused of his having banished from the society of men his son Titus, who afterwards had the surname of Torquatus or the collared, by ordering him to live in the country. As soon as the young man heard that his father was brought into trouble on his account, we are told that he immediately ran to Rome, and by break of day was at the house of Pomponius.

The latter being told of this visit, imagining that the youth out of resentment to his father, was come to give in some information against him, immediately got out of bed, and clearing the room of all company, he ordered Titus to be called in. But no sooner was the youth entered, then drawing his sword, he swore that

was the judge, named the jury or the *Judices* that was to try a cause, both parties had a copy of the panel, and out of that a certain number was ballotted to be upon the jury. Each party then was allowed a challenge, and if any were objected to, others were ballotted in their room, and when the jury was agreed upon and impanelled, each of the jurymen or *Judices* were sworn to act impartially, but the prætor or the judge was not, he having been sworn at his entrance upon his office.

he would that instant put Pomponius to death, unless he would promise by an oath to drop the prosecution against his father. Pomponius swore this under the influence of terror; he laid the whole of the matter before the people, and telling them the necessity he was under for proceeding no farther, he discharged Manlius. So powerful in those days was an oath.* Now this was the Titus Manlius who acquired the surname of the collared, by killing a Gaul who had challenged him near the river Anis, and stripping him of his collar. In his third consulship, the Latins were routed and put to flight near the river Vesperis. He was a very extraordinary person, and proved equally barbarous as a father, as he had been affectionate as a son.†

* *An oath.*] This is a very extraordinary story, and as it comes from so good authority, is very proper for the stage. But after our author's reasoning against keeping our oaths to highwaymen and pirates, I cannot think that the example of Pomponius proves any more for his system, than that the Romans were most unreasonably scrupulous in the matter of an oath. In the case here described, young Manlius, though his intention was pious and commendable, appears to be no better than an assassin, and as such he ought to have been treated. I am therefore apt to believe, that the prosecution was dropped, not through any regard which the people had to the obligation of the oath of Pomponius, but through their admiration of the young man's affection.

† *Son.*] He ordered his son's head to be cut off, for fighting and conquering without orders.

XXXII. But as Regulus is deservedly celebrated for keeping his oath, so the ten Romans, who after the battle of Cannæ were sent by Hannibal to the senate, after swearing to return to the Carthagenian camp, if they did not succeed in getting the prisoners ransomed; they, I say, were to blame if they did not return. Authors differ in their relations of this fact. For Polybius,* an author of the highest credit, says, that of ten Romans, men of the greatest quality that were then sent, nine returned, not having succeeded in their commission; but that the tenth (who, as if he had forgot somewhat, returned to the Carthagenian camp a little after he had left it), staid at Rome, because he thought that his returning to the camp freed him from the obligation of his oath. But in that he was mistaken; for deceit instead of removing, aggravates perjury. This therefore was a foolish piece of craft, awkwardly aping wisdom. The senate therefore decreed, that this juggler, this player with an oath, should be sent back to Hannibal in fetters.

But the greatest instance of all was the following. Hannibal made eight thousand Romans prisoners, but not in the field, or in the rout of

* *Polybius.*] He was a noble and a celebrated historian; the friend of Scipio and of Lælius. The greatest part of his history, which was written in Greek, his native language, is now lost.

the battle, for they had been left in the camp by the consuls, Paulus and Varro. And though they might have been ransomed with a trifle of money, yet the senate gave an opinion against ransoming them at all ; that our soldiers might hold it as a fixed principle, that they were either to conquer or to die. Polybius adds, that the report of this broke the spirit of Hannibal when he saw how magnanimously the Romans behaved in that low condition of their affairs. This may serve as an instance of the preference which virtue has over a seeming profit in the competition of duty.

But Accilius,* who wrote a history in Greek, says, that several of the Romans had returned to the camp, in order to evade the force of their

* *Accilius.*] He was quæstor and tribune of the people, and wrote the Annals of Rome in Greek, which are quoted by Livy. It is pretty surprising there should be such jarring accounts of so recent a fact. For besides the two contradictory accounts we have here, I find another in Aulus Gellius, who tells us, that eight of the captives returned to Hannibal, but that two of them, upon the frivolous pretext of having returned before to the Carthaginian camp after being sworn, remained at Rome, and claimed the *Jus Postliminii*, or the protection of their country, for which they were severely punished by the censors. The same author acquaints us, that Cornelius Nepos gave a fourth account of the matter, and wrote that there was a debate in the senate about sending back those that remained at Rome, but that upon a division, it was carried in the negative. He adds, however, that they who remained were so detestable to the public, that their lives became a burden to them, and that they put themselves to death.

oath by that equivocation, and that all of them were branded with infamy by the censors. I now finish what I had to say upon this head; for it is plain that actions proceeding from a cowardly, abject, mean, and dastardly spirit (such as the behaviour of Regulus would have been, had he either delivered his opinion concerning the captives according to his own seeming interest, and not according to that of his country, or had he wanted to remain at home), are not to be deemed profitable, because in fact they are wicked, disgraceful, and dishonest.

XXXIII. A fourth head remains, and that comprehends gracefulness, moderation, modesty, abstinence, and temperance. Now can any thing be profitable that contradicts the assemblage of such virtues? Notwithstanding that some philosophers, who from Aristippus* were termed Cyrenaics, and another sect termed Annicerians,† have placed all good in pleasure; and have been of opinion, that virtue is desirable, only because it is an efficient of pleasure. Though their doctrine is now out of date, yet that of Epicurus is in vogue, who is, as it were, the supporter and maintainer of

* *Aristippus.*] This philosopher was born at Cyrene, a town in Afric.

† *Annicerians.*] From one Anniceris, the founder of a new sect of the Cyrenaics.

the same opinions. We are to encounter them horse and foot,* as the saying is, if we intend to defend and maintain the cause of virtue.

For if, as Metrodorus† writes, nor only utility, but all the requisites of a happy life, consist in a healthful habit of body, and a great probability of its continuance, then surely this utility, supreme as they make it, must clash with virtue. For in the first place, what is the post assigned to prudence, but to be the universal carter of delights? Miserable must this domestic of virtue be, when degraded into the slave of pleasure. But what properties is she to exert in this employment? She is to make a judicious choice of pleasures! Admitting that nothing can be more delightful, can any thing more scandalous be thought of, than such an employment? As to the man who thinks pain to be the greatest evil, what can such a man have to do with fortitude, which consists in despising pain and trouble? For though Epicurus in many passages, and in this I have quoted in particular, speaks with great spirit on the subject of pain, yet we are not so much to regard what he says, as the consequences of the principles he maintains when he makes all good terminate in

* *Horse and foot.*] Orig. *Viris Equisque*, a proverbial expression to signify “with all our force.”

† *Metrodorus.*] He was the disciple and intimate friend of Epicurus.

pleasure, and all evil in pain. In like manner hear him talk of abstinence and temperance, he says a great many very fine things ; but, as we may say, he is troubled with the stranguary in his sentiments. For how can the praise of temperance flow freely from a man who places the highest good in pleasure? Now temperance lays a check upon the appetite, and the appetites are ever upon the scent after pleasure.

And yet they make a shift to shuffle about those three heads with some art. They recommend prudence as the science that furnishes pleasure and averts pain. They have a way of dressing out fortitude as the principle through which we despise death and endure pain. As to temperance they recommend it but with a very bad grace ; however they do as well as they can. For they tell us that the consummation of pleasure is the privation of pain. As to justice she totters or rather tumbles down, together with all the virtues that are practised either in the greater or the lesser associations of mankind. For they leave no room for goodness of heart, for generosity, for gentleness, nor friendship, because they tell us that those virtues are desirable in themselves, no farther than as they serve the purposes of pleasure or profit.

XXXIV. But to come to a close. Having shown that no real utility can exist in opposition to virtue, I now maintain that all sensual pleasure

opposes virtue. I therefore look upon Callipho* and Dénochus to be the more blameable when they thought they could solve all difficulties, by coupling pleasure with virtue, a brute with a man. Virtue resists, disdains, and repels such a junction, nor indeed is it possible that the supreme good, which in its own nature ought to be simple, should be a compound and a mass of contradictory qualities. But I have treated of this subject, for it is a weighty one, at large in another work.

To proceed : what I have said will be sufficient to instruct us how we are to be determined in our choice, if a seeming utility, should it at any time come in competition with virtue. But should even pleasure be said to carry the appearance of utility, there can, I maintain it, be no agreement between her and virtue ; for though perhaps we may allow pleasure to give as it were a little relish to life, yet we absolutely deny that she ever can be attended with utility.

You have here my son Marcus your father's present, and in his opinion a valuable present too, but the value of it to you will in a great measure depend upon the reception you give it. I insist however that these three books be admitted with the civility due to strangers, amongst the lectures of Cratippus. Had I come

* *Callipho.*] Those two philosophers coupled pleasure and virtue together, in or order to constitute happiness.

to Athens (which I would have done, had not the voice of my country loudly called me back after I had proceeded half way), you should sometimes have attended my lectures likewise ; but as you receive in these books the sense of all I had to say, my request is that you will bestow upon them as much time as you can, and I know you can as much as you please. When I understand that you take delight in those studies, I will converse with you (as I hope soon to do) in person, and I will correspond with you in absence. Farewell, my son, and depend upon it that the very great affection which I now bear you, will be redoubled if you take pleasure in such writings and studies.

THE END OF CICERO'S OFFICES.

CICERO'S PARADOXES.

ADDRESSED TO MARCUS BRUTUS.

I HAVE often, my Brutus, observed, that your uncle Cato, when he delivered his opinion in the senate, handled certain important points of philosophy, which seemed irreconcilable with our practice at the bar, or in the forum; yet in the course of his speaking, he managed them so as that they became plausible to the audience. Now this was a greater excellency in him, than it would be in you or in me, because we have been more conversant in that philosophy which encourages the variety of expression, and its subjects are pretty nearly suited with the ideas of mankind in general. But Cato, who as far as I can judge, was a complete Stoic, had notions very incompatible with those of the common run of mankind; and was of a sect that disclaims all embellishments of speech, and never spins out an argument. He therefore succeeded in his purpose,

by making use of certain pithy, and as it were, stimulating questions. There is, however, nothing so incredible that eloquence will not make probable; she can give a polish to the roughest, and culture to the wildest subjects.

Being thoroughly convinced of these truths, I have made a bolder attempt than ever Cato himself did. For Cato, let me tell you, when he treated of magnanimity, of modesty, of death, of virtues, all-comprehensive merits; of the immortal gods, and of patriotism, used to dress the sentiments of Stoics in the ornaments of eloquence. But I have, for amusement, digested into common places those topics which the Stoics, even in their literary retirement, and in their schools, find difficult to prove. Such topics they themselves term paradoxes, on account of their singularity and disagreement with the general sense of mankind. I have been ambitious enough to try whether they might not appear abroad, I mean in the hands of men of business, and expressed in a manner that should render them convincing to the generality of people. And whether the language of learning is different from that of life. I undertook this with the more pleasure, because these very paradoxes, as they are termed, appear to belong chiefly to Socrates, and contain the most important truths of the Stoics. Please therefore to accept of this trifle, the product of

these short summer nights, since your name has appeared to patronize the studies of my more deepened hours. You have here a specimen of the manner I make use of, when I accommodate those matters, which in the schools are termed propositions to our oratorical character, and practice of speaking. I do not, however, expect that you will look upon yourself as indebted to me for this performance, which is unworthy of being, like the Minerva of Phidias amongst the Greeks, honoured with a place of safety and distinction; and yet it will appear to be done by the same hand with my former works.

PARADOX I.

VIRTUE IS THE ONLY GOOD.

I AM apprehensive that some amongst you may be of opinion, that this sentiment is not my own, but borrowed from the schools of the Stoics. Yet I will tell you my real opinion, and that too in fewer words than the importance of the matter requires. By heaven, I never was he who reckoned amongst the good and desirable things of life, treasures, palaces, interest, power; or those pleasures to which the men of this world are so strongly wedded. For I have observed, that they who wallowed in those things, were the men who were in fact the most

eager after them : for our sensual passions are boundless and insatiable. They are tormented not only with the lust of increasing, but with the fear of losing what they have. I own that I am often at a loss to account for the good sense of our ancestors, those examples of temperance to mankind, who affixed the appellation of good to those weak fleeting circumstances of wealth, when in truth and fact their sentiments were the very reverse. Can a bad man enjoy a good thing? Or is it possible for a man not to be good when he lives in the very abundance of good things? And yet we have daily instances of all those good things being in possession of wicked men who are enemies to virtue. Now if any man has a mind to indulge his raillery, he may with all my heart; but I never shall be laughed out of following right reason preferably to popular opinion. Neither shall I account a man, when he loses his stock of cattle, or furniture, to have lost his good things. So far from that, I shall take frequent opportunities of celebrating Bias, who, if I mistake not, is reckoned among the seven wise men. For when the enemy took possession of Priene, his native country, and when many of his countrymen in their flight, found means to carry off with them their effects, a friend advised Bias to do the same. "Why," answered he, "you see I do, for I carry with me all that

is mine:" thereby intimating, that he did not esteem those playthings of fortune, which we term good things to be his own. But it may be asked, what then is a good thing. My answer is, that whatever is done uprightly, honestly, and virtuously, is done well; and whatever is upright, honest, and agreeable to virtue, that, and that alone, is a good thing.

But when we reason abstractly, those matters appear somewhat obscure; let us, therefore, as they are refined too much upon in the schools, illustrate them from the lives and actions of the greatest of men. Let me then ask of you, whether you imagine that the men who founded upon so noble a system, this empire, which they have transmitted to us, ever thought of gratifying avarice by money; delight by delicacy; luxury by magnificence; or pleasure by eating and drinking. Set before your eyes any one of our monarchs. Shall I begin with Romulus? Or with the patriots who made and left Rome a free state? By what means then did Romulus become a god? By those which the men of the world term good things? Or by his actions and his virtues? What! are we to imagine, that the wooden or earthen dishes of Numa Pompilius were less acceptable to the immortal gods, than the embossed plate of others. I shall say nothing of our other kings, for all of them, excepting Tarquin the Proud, were equally

excellent. Should it be asked, what did Brutus perform when he delivered his country? Or what were the motives, what were the views of the patriots who joined him in that glorious attempt? Can any man alive think, that they were induced by motives arising from the love of pleasure or of riches, or that he had any other view, but that of acting the part of a great and a gallant man? What was the motive that impelled Caius Mucius without the least hopes of escaping death, to attempt the death of Porsenna? From whence sprung the power that rivetted Cocles to the bridge, when he singly opposed the whole force of the enemy? The power that devoted the elder, that devoted the younger Decius, and made them plunge amidst armed battalions of enemies! What view had Caius Fabricius for being so continent in his manners, or Manius Curius, when he was so frugal in his living? What were the motives of those two thunderbolts of the Punic war, Publius and Cneius Scipio, when they proposed to form with their own bodies a barrier for their country against the progress of the Carthaginians? What did the elder, what did the younger Africanus propose? What were the views of Cato who lived between the times of both? What shall I say of millions of other instances; for our history abounds with such; can any one think that they proposed any

other object in life but what was glorious and noble?

Now let the scoffers of this sentiment appear, let them take their choice, whether they will resemble the man who is rich in marble palaces, adorned with ivory, and shining with gold, in statues, in pictures, in embossed gold and silver plate, in the workmanship of Corinthian brass, or if they will resemble Fabricius, who had not, who disdained to have any of those luxuries. And yet they are readily prevailed upon to admit that the enjoyments which shift from hand to hand, are not to be ranked among good things, while at the same time they stiffly maintain, and eagerly dispute, that pleasure is the highest good ; a sentiment that to me seems to be that of a brute, rather than of a man. Shall you, endowed as you are by God or by nature, whom we may term the mother of all things, with a soul (the most excellent, the most divine being that exists), shall you, I say, be so mean and so abject as to think there is no difference betwixt thy nature, and that of the brute? Where is that good that does not make him who possesses it a better man? For as the man who has the greatest portion of good, has likewise the greatest share of merit ; neither is there a good on which the man who possesses it may not justly value himself. But does pleasure contain any of those qualities? Does

pleasure give a man better principles or greater merit? Where is the man of sense who publicly praises himself for having enjoyed pleasures? Now if pleasure, which has so many advocates in its favour, is not to be ranked among good things, and if the greater it is, the more it discomposes and disorders the mind; surely in life the good and happy things of life can mean no more than its just and its virtuous things.

PARADOX II.

A MAN WHO IS VIRTUOUS IS WITHOUT NO
REQUISITE OF HAPPY LIFE.

NEVER, for my part, did I imagine Marcus Regulus to have been distressed, or unhappy, or wretched; because his magnanimity was not tortured by the Carthagenians; the weight of his authority was not; his honour was not; his resolution was not; not one of his virtues was; in short, his soul did not suffer their torments, for a soul that was guarded and attended by so many virtues, never surely could be made captive with its body. We have seen Caius Marius; he, in my opinion, was in prosperity one of the happiest, and in adversity one of the greatest of men, a character that forms the supreme happiness of human life. Madman,

thou art ignorant indeed, thou art ignorant of virtue's force ; thou only usurpest the name of virtue ; but thou art a stranger to her influence. The man who is well composed within himself, who finds all he wants and wishes for within his own breast, never can be otherwise than completely happy. But the man who has no hope, no scheme, no foresight but what depends upon fortune, such a man can have no certainty, he can have no grounds of assurance that he can be master of his enjoyments for a single day longer. If you have any such man in your power, you may terrify him by threats of death or exile ; but whatever can happen to me in this my ungrateful country, I will be so far from opposing it, that I will embrace it. To no purpose have I toiled ; to no purpose have I acted ; vain have been my cares by day, and my watchings by night, if I have not yet learned to arrive at such a state, as that neither the outrages of fortune nor the injuries of enemies can affect me. Do you threaten me, Antony, with death ? Why that is separating me from mankind. With exile ? That is removing me from the wicked. Death is dreadful to the man whose all is extinct with his breath ; but not to him whose glory never can die. Exile is terrible to those who, as it were, stint themselves to one dwelling place ; but not to those who look upon the whole globe

but as one city. Thou happy and prosperous as thou thinkest thyself, art the wretch that is beset with wretchedness and covered with misfortunes. Thou art tortured by thy lusts; day and night thou art upon the rack; though ever dissatisfied with thy own condition, yet thou art ever trembling lest it should not continue; the remembrance of thy misdeeds goads thy conscience; the terrors of thy country's laws and the dread of her justice appal your very soul; look where thou wilt, thy crimes, like so many furies stare thee in the face and hang a dead weight upon thy spirit. Therefore as no man can be happy if he is wicked, foolish, or indolent; so no man can be wretched, if he is virtuous, brave, and wise. Glorious is the life of that man whose virtues and practice are glorious; and no life that is attended with glory is to be avoided, but we ought to abhor it if attended with misery. We are therefore to look upon whatever is dignified with glory and with merit, to be at the same time happy, flourishing, and desirable.

PARADOX III

THAT ALL MISDEEDS ARE IN THEMSELVES
EQUAL, AND GOOD DEEDS THE SAME.

THE matter it may be said is a trifle, but the crime is enormous; for we are to form our esti-

mate of guilt not from the events of things, but from the bad intentions of the agent. The circumstances attending guilt may differ in their importance, but guilt itself in whatsoever light you behold it, is the same. A pilot oversets a ship laden with gold or one laden with straw; the loss no doubt is somewhat disproportioned, but the blunder of the pilot is in both cases the same. You have debauched a woman of no family,—'tis true fewer are concerned for her than would be had she been a young lady of rank and quality. Nevertheless you have been guilty, if it be guilty to start before the signal. No doubt it is; nor does it matter in aggravation of the fault of starting in that manner how far you run afterwards; for nothing can be more certain than that nobody has a right to commit a fault. Now, if one has no right to do a thing, that very circumstance convicts him of guilt if he does it. If this guilt can receive neither addition nor diminution (because, if the thing was against right, there was a fault in the commission, and a fault is perpetually and invariably a fault), then all the consequences and circumstances attending it must be equal. Now if virtues are equal amongst themselves, it must necessarily follow that vices are so likewise; and nothing is more easy than to prove that a man cannot be better than good, more temperate than temperate, braver than brave, nor wiser than wise. Will

any man call a person honest, who having a deposit of ten pounds of gold made into his hands, without any witness, so that he can be in no danger of detection, shall account for every farthings worth of it, and yet should not behave in the same manner were the sum ten thousand pounds? Can a man be accounted temperate who checks one inordinate passion and gives a loose to another? Virtue is uniform, and its uniformity consists in unwearied perseverance and agreement with reason. No addition of circumstance can make it more than virtue. No diminution can render it less. If good offices are done with an upright intention, nothing can be more upright than upright is; and therefore it is impossible that any thing should be better than what is good. It therefore follows that all vices are equal, for the evil affections of the mind are properly termed vices. Now we may infer, that as all virtues are equal, therefore all good actions being derived from virtues ought to be equal likewise; and therefore it necessarily follows that evil actions springing from vices should be also equal.

You borrow says one all this matter from philosophers.—I was afraid you would have told me that I borrow it from pimps and panders. But Socrates reasoned in the manner you do.—I am glad to hear it, for by all accounts he was a learned and a wise person. Meanwhile as the

dispute between you and me is at present carried on not by blows but words, I make bold to ask you whether upon a subject of this kind, we are to take the sense of the scum and slaves of the earth, or that of the wisest of mankind? Especially too as the sentiment I here lay down is not only as agreeable to truth, but as useful in life as any proposition can be. How must men be influenced, how must they be deterred from the commission of all kinds of evils, if they once become sensible there are no degrees of guilt? That the crime is the same whether they offer violence to private persons or to magistrates. That lust is equally criminal, whatever the family is which it pollutes. But here it may be objected; what? Is there no difference between murdering your father or your slave? If this objection is to be taken simply without any circumstances attending it, it has its difficulties. If to deprive a parent of life is in itself a most heinous crime, the Saguntines were then parricides, because they chose that their parents should die in liberty rather than live in slavery. Thus a case may happen in which there may be no guilt in depriving a parent of life, and very often we cannot without guilt put a slave to death. The circumstances therefore attending this case, and not the nature of the thing must decide the matter: those circumstances as they are favourable or unfavourable ought to weigh

with us : but if there is no difference in circumstances there can be none in guilt. It is true, that the guilt of wrongfully killing a slave stands singly without consequences attending it. But the guilt of murdering a father is complicated. You have murdered the man who begat you ; the man who fed you ; the man who brought you up ; the man who gave you property, gave you a home, and qualified you for the service of your country. This offence therefore being attended with numbers of aggravating circumstances is worthy the greater punishment. But in life we are not to consider the severity of the punishment a man is to undergo, but the rule of right which he is not to transgress. We are to consider every action that we commit against decency to be wicked, and every action we commit against rectitude to be criminal. What ! in the most trifling matters ? To be sure ; for if we are unable to regulate the proportions of actions, yet we may bound our affections. If a player ever so little transgresses the decorum of action or the rules of speaking a verse longer or shorter than it ought to be, he is hooted and hissed off the stage. And shall you, whose life ought to be better proportioned than any stage action, and more regular than any verse, shall you be found faulty even in a syllable of conduct ? I overlook the trifling faults of a poet ; and shall I overlook my fellow-

citizen's life while he is counting his misdeeds upon his fingers? If some of them are too short does that make them less faulty, since the jarring must arise from the discord of reason and order? Now, if reason and order are disturbed, nothing can be added to aggravate the misconduct which such disturbance must introduce.

PARADOX IV.

THAT EVERY FOOL IS A MADMAN.

Now,* sir, I will put you upon a short allowance, not as I have often done on account of your folly, or as I always do on account of your villany, but on account of your madness and insanity. Could the mind of the wise man fortified as with walls by admirable foresight, by invincible perseverance, secure against every accident, and clothed with every virtue, a mind that could not be expelled out of this community, shall such a mind be over-powered and taken by storm? For what do we call a community? Surely not every assembly of thieves and ruffians? Is it then composed of out-laws and robbers assembled

* This paradox is supposed by our author to be addressed to Clodius who had driven him into exile; and perhaps it will be difficult for any reader to produce a piece of more consummate vain glory and self applause than Cicero here discovers; after his pusillanimous disgraceful behaviour under his exile.

in one place? Surely not. Rome therefore was no community when her laws had no force; when her courts of justice were disregarded; when her constitution lay expiring; when her magistrates had the sword of violence at their throats; and when the authority of the senate was abolished within her walls. Could that gang of ruffians, that assembly of villains which you headed in the forum, could those remains of Catiline's frantic conspiracy then devoted to your lawless rage be termed a community? I could not therefore be expelled from this community because no such then existed. I was introduced to this community when the consular authority which had been abolished, was at the head of our government, when the senate which then lay gasping, resumed its functions; when the voice of the people was free; and when laws and equity, those bonds of community, were restored to their force.

Thou shalt now be made sensible how much I despised the arrows that were aimed at me by your scoundrelship. That you darted, that you shot your villanous wrongs at me, I never doubted; but that they hit or reached me, I never thought. It is true you might think that somewhat belonging to me was tumbling down or consuming when you was demolishing my walls and applying your accursed torches to the roofs of my houses. But neither I nor any man can call a

thing our property if we can be deprived, if we can be stripped, if we can be robbed of it. Could you have robbed me of my soul's divine constancy, of my application, of my vigilance, and of those measures through which, to your confusion, Rome now exists ; could you have abolished from the records of immortality the eternal memory of my services to my country ; far more, had you robbed me of that soul from which all those services sprung ; then indeed I should have confessed that I felt your blows. But as you neither did nor could affect me in that manner, your persecution rendered my return glorious, but not my departure miserable. I therefore was always a citizen of Rome, but especially at the time when the senate charged foreign nations with my preservation because I was the best of patriots. As to you, you are at this time no citizen, unless we admit a citizen and an enemy of Rome to signify the same thing. Can you distinguish a citizen from an enemy by the accidents of nature and place, and not by his affections and actions ? You have filled the forum with blood, and the temples with bands of ruffians ; you have set on fire the temples of the gods and the houses of private citizens. If after all this you are a citizen, why are we to deem Spartacus* to be an enemy ?

* *Spartacus.*] He was a slave who raised a rebellion which Crassus suppressed.

Can you be a citizen in that city which through you for some time had no existence? And have you a right to upbraid me, when all mankind thought that Rome herself was gone into exile, when I was driven out of her walls? Never, thou most frantic of all madmen, wilt thou turn thy eyes upon thyself? Wilt thou never consider thy actions or thy words? Dost thou not know that exile is the penalty of guilt: but that the journey I set out upon was undertaken by me in consequence of actions that were attended by the most consummated glory? All the criminals, all the profligates, of whom you avow yourself the leader, and on whom our laws pronounce the sentence of banishment, are exiles, and that too without leaving Rome. At the time when all our laws doomed thee to banishment were thou not an exile? Is not the man an enemy to the peace of his country, who carries about him offensive weapons? A cut-throat belonging to you was taken near the senate-house. Who is to be deemed a murderer? You; for you have murdered many. Who an incendiary? You; for with your own hand you set fire to the temple of the nymphs. Who was guilty of sacrilege? You; for you shut up our temples by pitching a camp in the forum. But what do I talk of well known laws, all which doom you to exile; for one of your bosom friends

carried through a bill pointing at you only, by which you was condemned to be banished, if it was found that you had been present at the mysteries of the goddess Bona; and it is now become your boast that you was guilty of that fact. As therefore you have by so many laws been doomed to banishment, do you not tremble at the appellation of an exile? You tell me you are still present in Rome. I know it, and that you were present at the mysteries too: but though you were there, yet you had no right to be there; and therefore you are as an exile from that place where its laws do not suffer you to remain.

PARADOX V.

THAT THE WISE MAN ALONE IS FREE, AND
THAT EVERY FOOL IS A SLAVE.

IN this place I am disposed to praise a general, to let him be honoured with that title, or let him be thought worthy of it. But how or where is the free man who is to be commanded by a man who cannot command his own inordinate passions? Let him in the first place bridle his lusts, let him despise pleasures, let him subdue anger, let him get the better of avarice and of every thing that debases a rational

* *Bill.*] The reader will find an ample detail of this matter in my translation of Cicero's Epistles to Atticus.

being, and then when he himself is no longer in subjection to disgrace and dishonesty, the vilest of all tyrants, let him then I say begin to command others. But while he is the slave of his lusts, he is so far from having a right to the title of a general, that he has none to that of a free man. This is the noble doctrine laid down by the most learned men, whose authority I should not make use of were I now addressing myself to an assembly of rustics. But as I speak to men of the most refined understandings; who are no strangers to what I am saying; why should I falsely pretend that all the application I have bestowed upon this study has been lost. It is therefore a maxim with the most learned men, that none but wise men can be free. For what is liberty but the power of living in the manner most pleasing to ourselves? Who then is he who lives in that manner? The man surely who follows righteousness, who rejoices in fulfilling his duty, and has laid out a well considered and well contrived plan of life. The man who obeys the laws of his country, not out of dread, but pays them respect and reverence because he thinks such obedience the most conducive to the good of society. Who is sincere and free in all his words, in all his actions, nay in all his thoughts? The man whose whole plan of conduct and business arises from and is terminated by his own virtues. The man who

is swayed by nothing so much as by his own inclination and judgment. The man who is master of fortune herself, that irresistible controller of human actions, agreeable to what the poet says, that "fortune is moulded according to the manners of every man." It cannot happen to any but to a wise man, that he does nothing against his will, nothing with pain, nothing with force. It would if it is true require a large discourse to prove the reality of this character, but we may in a very few words be convinced that no man, but a man of this character can be free. All wicked men therefore are slaves, and this is not so surprising and incredible in fact as it is in words. For they are not slaves in the sense those bondmen are, who are the properties of their masters by purchase, or by any law of the state; but if it be slavery (and slavery no doubt it is), to obey passions that are irregular and unmanly, passions that deprive us of the exercise of our reason; then who can deny that all dishonest, all avaricious, in short, all wicked persons are slaves?

Can I call the man free who is governed by a woman, who gives him laws, who lays him down directions, who orders him one thing and forbids him another, according to her own caprice; while he can deny and dare refuse nothing that she demands? Does she give the word? His purse must be open. Does she call? He

must come. Does she chide? He must vanish. Does she threaten? He must tremble. For my part I call such a fellow, be his blood ever so noble, not only a slave, but "the slave of all slaves." Now in a large family of fools, some slaves look upon themselves to be more genteel than others, such as those we employ as ushers, or gardeners, yet still they are slaves. In like manner, they who are immeasurably fond of statues, of pictures, of embossed plate, of works in Corinthian brass, or magnificent palaces, are equally fools with the others. "Nay, but (say they) we are the chief men of the government." It may be so; yet you have no preference over your fellow-slaves. But as in a large house they who are obliged to handle the furniture to brush it, to anoint their masters, to sweep the house, and water the hall, are not to be ranked among the genteeler kind of slaves; in like manner they who have abandoned themselves to their passions, for the things I have mentioned, are next to the very lowest of all slaves. Says one of these gentlemen, "But I have had the direction of important wars, I have had under me great commands and great governments." Then if you have, carry about you a soul worthy of praise. You doat upon a painting of Echion, or a statue of Polycletus; I shall not mention from whom you took it, or by what means you possess it; but when I see you staring with asto-

nishment, gaping with admiration, and exclaiming with rapture, I look upon you to be the slave of those trifles. You ask me, "Are not these then elegant amusements?" To be sure, they are; for I too have a judging eye in the fine arts; but give me leave to tell you, that fine as they are, they ought not to serve as fetters for our manhood, but as objects of our amusement. Let me ask your opinion? If Lucius Mummius after the contempt that he expressed for all Corinth, had seen one of our great men examining in an extasy a Corinthian vase, whether would he have looked upon him as an excellent citizen, or a busy appraiser? Supposing Manius Curius, or some of those Romans who in their villas and their houses had nothing that was costly, nothing besides themselves that was ornamental, saw one of our modern great men after receiving the highest honours his country could bestow, taking out of his stews his mullets or his carp, then handling them, and boasting how rich he was in lampreys. Would not the old Roman think that such a man was so very a slave, that he was fit for no higher employment than to be the caterer of a household? Can we have the smallest doubt that those men are slaves, who from their greediness for wealth readily embrace the hardest conditions of the vilest slavery? To what meanness of slavery will not the expectation of succeeding to an estate make

a man stoop? How watchful he is to catch every nod of the childless rich old fellow? His words are suited to his humour; he obeys every order the other gives him; he courts him, he sits by him, he makes him presents. What is there that looks like freedom about such a man? What is there about him that does not carry with it the most convincing evidence of his being a beaten slave?

Well! I will now consider the passion that seems to be more peculiarly the character of liberty, I mean that for public preferment, for empire, and for government; and how severe is its tyranny! how imperious! how irresistible! It forced the men, who thought themselves the greatest men in Rome, to be slaves to Cethegus, a person of a very questionable character; to send him presents, to wait upon him at nights at his house, to turn suitors, nay supplicants to him. If such men are to be accounted free, who is to be accounted a slave? But what shall I say when the sway of this passion is over, and when fear, another tyrant, springs out of the consciousness of their misdeeds, and succeeds it! What a hard, what a wretched servitude is that? When they must be slaves to every young fellow who has got a tolerable knack at talking; when they must look up with fear and trembling to every man who they think can be an evidence against them. As to their judge, how powerful

is his sway over them, with what terrors does he fill the breasts of the guilty? And is not all dread slavery? What then is the meaning of that more eloquent than wise speech delivered by the accomplished orator, Crassus? "Snatch us from slavery." How could a man of his eminence and rank be a slave? Every terror of a weak, a mean, and a dastardly soul is slavery. He goes on—"Suffer us not to be the slaves of any (you perhaps imagine that he is now about to assert his liberty; so far from that he adds), but to the whole state (a change of masters does not effect freedom); to whom we can be and ought to be slaves." Now we whose souls are lofty, exalted, and intrenched in virtue, disown that we either ought to be or can be slaves to any. You may say that you can be a slave, because in fact you are one; but you ought not to say that you owe it as a debt, because no man can owe any thing but that, which it would be disgraceful not to pay. But enough of this. Now let our general consider if he can deserve that title, when reason and truth must convince him that he is not so much as a freeman.

PARADOX VI.

THAT THE WISE MAN ALONE IS RICH.

How vainly, how ostentatiously, Crassus, are you always making mention of your money? Well; you say, you alone are rich? Immortal gods! am I to thank you that I have received this piece of information and instruction? You, Crassus, the only rich man! What, if you are not rich at all? What, if you even are a beggar? For let me ask you, whom are we to mean by a rich man? To what kind of a man is the term applicable? If I mistake not, to the man whose possessions enable him to live with freedom, and who is cheerful and contented with what he has, who has no desire, no hankering after, no wish for more. It is your own mind, and not the talk of others, nor the greatness of your estate that must pronounce you to be rich; for it ought to think that nothing is wanting to your happiness, and be void of all anxiety about any more than what you enjoy. If your mind is satiated, or even contented with the money you have, I admit that you are rich; but if for the greed of profit you think no means are too vile to obtain it (though you are of an order, Crassus, that renders it impossible for you to make honest profits), if you every day are cheating, deceiving, craving, jobbing, poaching, and pilfering; if

you rob the friends and the treasury of the public ; if you are for ever hunting after, nay, forging wills in your own favour ; I ask you whether such practices are the symptoms of poverty or riches ? It is the mind and not the pocket of a man that is to be accounted rich. For let your pockets be ever so well crammed, when I see yourself empty, I shall not think you to be rich ; because the measure of riches is taken from the sufficiency that every man has of the means of happiness. A man has a daughter. Then he ought to have a fortune. But he has two. Then he ought to have a greater fortune. He has more. Then he ought to have more fortune still ; and if, as we are told of Danaus, he has fifty daughters, their fifty fortunes require a man to have a very great estate. For, as I said before, a man can only be called rich according to the necessities he is under for having money. Now if a man instead of having a great many daughters, has a million of inordinate passions which are craving enough to consume a very great estate in a very short time, how can I call such a man rich, when his own soul tells him that he is poor ? You have often, Crassus, been heard to say that no man is rich who cannot upon the income of his estate maintain an army ; now this is what the people of Rome some time ago, with all their revenues found a difficulty to do. Therefore according

to your maxim, you never can be rich before your incomes enable you to maintain forty thousand men, with a vast body of auxiliary horse and foot. You therefore in fact confess yourself not to be rich, since you fall so far short of your own description of a rich man ; you therefore have made no secret that you are poor, that you are needy, nay, that you are a beggar.

For as we see that they who make an honest livelihood by commerce, by industry, by farming the public revenue, have occasion for all they earn ; so whoever sees your house crowded with numbers of accusers and judges all in compact with one another ; whoever sees you presiding at all the consultations held how to bribe justice, or to acquit rich and guilty criminals : whoever reflects upon the scandalous wages you receive as a patron, upon your pecuniary corrupting practices in elections for public offices ; upon your despatching your freedmen to pillage and plunder the provinces ; upon your dispossessing your neighbours ; upon your depopulating the country by your oppressions ; upon your confederacies with slaves, with freedmen, and with clients ; upon the estates you have untenanted ; upon the wealthy you have prescribed ; upon the corporations you have massacred, and upon the harvest you have made during Sylla's tyranny ; upon the wills you have

forged, and the people you have secretly murdered ; in short whoever reflects upon your unlimited venality in your levies, your decrees, in the votes you give yourself, in the votes you make others give, in the forum, in your house, in your speaking, and in your not speaking ; who I say, when he reflects upon all this must not acknowledge that such a man has occasion for all he has acquired, a character that by no means suits with a rich man. For the advantage of riches consists in plenty, which is seen in the overflow and abundance of the means of life ; now as you think you never can have enough you never ought to be accounted rich. I shall say nothing of myself, because (and you have reason) you despise my fortune ; what the public thinks to be middling, you think to be next to nothing, and I think to be sufficient ; I therefore confine myself to facts. Now if we are to form our opinion and judgment by facts, whether we are more to esteem the money which Pyrrhus sent to Fabricius, or the continency of Fabricius for refusing that money ? Which are we to value the most, the gold of the Samnites, or the answer of Manius Curius ? The inheritance of Lucius Paulus, or the generosity of Africanus, who gave to his brother Quintus his own part of that inheritance ? Surely those illustrious proofs of virtue are more valuable than any acquisition of money can be. If therefore we are to rate

every man rich only in proportion to the valuable things he possesses, how can we hesitate to pronounce that man to have the greatest riches who has the most virtues, since no estate in land or money is more to be valued than virtue?

Immortals gods! Little do men consider what a revenue frugality brings in; for I now proceed to speak of men of expense, I take my leave of your money-worms. The revenue one man receives from his estate is thirty thousand pounds a year; my estate brings me in one thousand a year. Now that man is so expensive upon the gilded roofs of his villas, upon marble pavements, so unbounded is he in his passion for statues, pictures, fine clothes, and rich furniture, that all his estate is so far from defraying the expense of his living, that he does not even pay the interest of the money he is forced to borrow; while by confining my desires to my income, I can even save somewhat of my pittance. Which then is the richest, he who wants, or he who abounds? He who is in need, or he who has a superfluity? The man whose estate, the greater it is, requires him to have the greater means of supporting his rank and quality, or the man whose income is sufficient for all his occasions?

But why do I talk of myself, who through the contagion of fashion and the degeneracy of the times, am perhaps a little infected with those

fashionable follies. Our fathers may have remembered Manius Manilius (that I may omit any farther mention of the Curii and the Luscinii), he came at last to be poor; for he had only a little house at Carani and a farm near Labicum. Now are we, because we have greater possessions, richer men? I wish we were. But we are not to form our notions of riches upon the rent-roll of an estate, but upon the manner in which the possessor of it is inclined to live and appear. The having no inordinate passion is money in a man's pocket; his having no turn for expense is as good as an estate in land. Above all things contentment with what we possess is the greatest and most durable of all riches. If therefore they who are best acquainted with the arts of money are best pleased when they lay it out upon fields and ground-rents, because such estates are the least liable to accidents of any kind, how much more valuable is virtue of which we never can be stript, we never can be robbed? We cannot lose it by fire, or by water, and it remains our unalienable property through all the rage of seasons and convulsions of government. The possessors of virtue are the only rich in this life: for they alone possess those means that are profitable and eternal; and they are the only men who, being contented with what they possess, think it sufficient, which is the most essential property of riches: they

hanker after nothing; they are in want of nothing; they miss nothing, and they require nothing. As to the unsatiable and avaricious part of mankind whose possessions are liable to uncertaintys and accidents, they therefore are for ever thirsting after more, nor was ever a man of that turn, of opinion that he had enough; therefore they are so far from being wealthy and rich, that they are to be looked upon to be in want and beggary.

THE END OF THE PARADOXES.

THE
VISION OF SCIPIO.*

SCIPIO SPEAKS.

WHEN I arrived in Africa you know I was tribune of the fourth legion, and served under the command of the consul, Lucius Manlius. At that time I was highly delighted with having an opportunity of an interview with Massinissa, a prince who lay under the strongest obligations of friendship to our family. When I met the

* *The Vision of Scipio.*] This is one of the most curious pieces that we have from antiquity. It is a kind of an episode which our author had introduced into a larger treatise, which he had wrote concerning government, and which is now lost. It was written in a dialogue between Scipio and some of his friends, and the following dream was preserved by Macrobius who wrote a commentary upon it. The scientific part of it is taken partly from the Platonic and partly from the Pythagorean philosophy. The argumentative part seems to be Platonic entirely, and the sentimental part is Cicero's own.

old man, he took me in his arms and shed tears over me. Soon after, throwing his eyes up to heaven, I thank thee (says he) ever glorious sun, and ye the other illuminarys of heaven, that before I have left this life, I have seen in my kingdom and under my roof Publius Cornelius Scipio, a name that brings me back to my youth; for never shall the memory of that greatest, that most invincible of men leave my senses. After this I informed myself from him about his kingdom, and he himself from me about our government; and thus the day slipped over in a variety of discourse.

After being most royally entertained at supper, our conversation lasted till midnight; while the old king talked of nothing but of Africanus, and remembered not only all his actions, but all his expressions. Then taking our leaves to go to bed, I (being tired with my journey and my sitting up later than I usually did) fell into a sleep sounder than ordinary. Now it is my firm opinion that what we generally think and discourse of all day, produces in our sleep somewhat like to what happened to Ennius, with regard to Homer, of whom he was constantly while awake thinking and talking. Therefore it was undoubtedly from our talking so much of Scipio, that he seemed to present himself to me in my sleep, and I recollected his person, not so much from any remembrance I had of it,

as from the pictures and statues of him which I had seen.

No sooner did I know him than I shuddered. “ Draw near (said he), be of good courage, lay aside your dread, and treasure up my words in your memory. You see that city ;* by me it was forced to submit to the people of Rome, but ever restless, it is now renewing its former wars (he spoke these words pointing to Carthage from an eminence that was full of stars bright and glorious) ; you are now come before you are a complete soldier† to attack it. Within two years you shall be consul, and shall throw it to the ground ; and you shall acquire the surname that you now inherit. After you have destroyed Carthage, performed a triumph, and been censor ; after in quality of legate you have visited Egypt, Syria, Asia, and Greece, you shall in your absence be chosen a second time consul ; then you shall finish a most dreadful war, and utterly destroy Numantia. But when you return to ascend the capital in your triumphal chariot you shall find the government thrown into confusion by the practices of my grandson ;‡ and here my

* *City.*] Meaning Carthage which was utterly overthrown and razed to the ground by the younger Africanus.

† *Soldier.*] The original is *nunc venis pæne Miles*, because Scipio was then only a young man and one of the military tribunes, which post was looked upon as only a kind of a cadetship which they went through before they could be generals.

‡ *Grandson.*] Meaning Tiberius Gracchus or his brother ;

Africanus you must display to your country all the lustre of you spirit, genius, and wisdom.

But at this period I perceive that a cloud hangs upon the paths that providence has destined you to tread. For after the sun has performed his winding and direct revolution seven times eight times* over your head, both which are complete numbers in different manners, and in their natural rotation will bring you to the crisis of your fate, then will Rome turn her eyes wholly upon thee and thy glory; the whole body of the senate, all virtuous patriots, all our

their mother was daughter to the elder Africanus. I cannot help being of opinion that Virgil took from this vision his first hint of the discourse which he introduces in the sixth book of the *Æneid*, between *Æneas* and his father.

* *Seven times eight times.*] The critics and commentators have been very profuse of their learning in explaining this passage. But since the doctrine of numbers, and the motions of the heavenly bodies have been so well understood, it is a learning of a very useless nature. The sum of what they tell us is, that the numbers 7 and 8 are complete numbers, and when multiplied into one another produce 56, which is one of the climacterics of human life. The reasons they give for all this are so many and so fanciful, that though they are strengthened with the greatest names of antiquity, it can be of very little use for a modern reader to know them. I shall however here set down the original of the whole passage. *Sed ejus temporis ancipitem video quasi fatorum viam. Nam cum ætas tua septenos octies solis anfractus, reditusque converteret, duoque hi Numeri, quorum uterque plenus, alter altera de Causa, habetur, circuitu naturali summam tibi fatalem confecerint.*

allies, and all the Latins, shall look up to you, and to you only. Upon your single person the preservation of your country will depend; and in short, you will, as dictator, settle the government, if you can but escape the wicked attempts of your kinsmen.”*—Here when Lælius gave a shriek, and the rest of the company expressed themselves in deep groans, says Scipio with a gentle smile, I beg my friends that you will not waken me out of my dream, have patience and hear it out.

But proceeded my great ancestor, “To encourage you in the service and defence of your country, know from me that a certain place† in heaven is assigned to all who preserve or assist

* There scarce can be a doubt that this passage was in Virgil's eye, when he makes Anchises break out in that beautiful exclamation in the sixth book of the *Æneid* concerning Marcellus.

Heu miserande puer si qua fata aspera rumpas.

Tu Marcellus eris—————

† *A certain place.*] All this is a very noble system, and not extremely irreconcilable in some parts of it to the Christian religion. Its absurdities however have evidently given rise to the Romish doctrine of purgatory; for we perceive that Scipio does not suppose that every soul returns to that mansion of bliss; neither does he say positively that those souls are mortal that do not, but that being pressed with sins, they are obliged to perform a very, very long purgation before they can return to heaven, from whence they came.

their country or increase her glory, where they are to enjoy an eternity of happiness. For nothing is more acceptable to that god of gods who governs the system of the world and directs all human occurrences, than those councils and assemblies of men, that being united by social laws from thence are termed states ; of these the governors and preservers go from hence, and hither do they return.”—Here, frightened as I was, not from the dread of death but from my apprehension of domestic treachery, I asked him whether my father Paulus, and the other great men whom we thought to be dead were yet alive ? “ To be sure they are alive (replied Africanus), for they have escaped from the fetters of flesh and blood, as they would have done from a prison. As to what you enjoy and call life, it is not life but death. But behold your father Paulus approaching.”—No sooner did I see him than I dissolved into tears ; but he embracing and kissing me forbade me to weep. When I recovered the use of my tongue, which had been stopped by my concern. Why, said I, thou beati-fied being, thou best of fathers, why am I tied to the earth, since here, as Africanus informs me, and here only, life can be enjoyed ? Why am I de-barred from flying to you ?

“ Not so, my son (replied he), unless that god whose temple is all you behold, shall free you from the fetters of the body you can have no

access hither. For the condition of man's existence is that he garrison that globe which you see in the middle of this temple, and which is called the earth. His soul issues from those eternal fires which you call constellations and stars, and which being globular and round are animated with divine spirit, and complete their cycles and revolutions with amazing rapidity. Therefore, you my Publius, and all good men, must preserve your souls within your bodies ;* nor are you without the order of that power who bestowed them upon you to depart out of this life, lest you seem to desert from that post which has been assigned you by God. Therefore Scipio in imitation of this your grandfather here, and me, who begot you, live in the practice of justice and piety ; let your affection for your parents and kinsmen be great, but for your country let it be unbounded. Such is the life that will introduce you into heaven and into the assembly of those who have left the earth, and being freed from their bodies, inhabit the glories of the place thou beholdest."

* *Your souls within your bodies, &c.*] The reader will perceive from this admirable passage, that the greatest and the wisest of the ancients disclaimed the practice of self-murder. The figure which our author here makes use of, is taken, as he informs us in his *Treatises upon Old Age and Friendship*, from Pythagoras, and if I mistake not, the same sentiment and allusion is to be met with in Plato.

Now the place my father spoke of, was a radiant circle of dazzling brightness, amidst the flaming bodies, which you, in conformity with the Greeks, term the milky way. While from this station I surveyed every thing around me, the different objects filled me with delight and amazement. The stars I saw are not discernible from this earth, and their greatness surpassed all that human imagination can conceive. The smallest of those bodies was that which was placed upon the extremity of the heavens, but nearest to the earth, and shone with borrowed light. As to the globular bodies of the stars, they greatly exceeded in bulk the earth, which now to me appeared so small, that I observed, not without concern, this our empire contracted into a very point.

While I was gazing upon this appearance, says Africanus, "What, will you never raise your attention from that grovelling spot? Come observe with me the glories of this temple. You must know that all things are connected by nine circles, or rather spheres; one of which (which is the uttermost), is heaven, and comprehending all the rest, is inhabited by that all-powerful God, who bounds and directs the system of universal nature; and in this sphere are fixed those properties that give eternal motion to the stars in their several courses. Within this are contained seven other spheres,

that turn round in a motion which counteracts that of the heaven. Of these, that planet which on earth you call Saturn, performs one revolution. That shining body which you see next, is called Jupiter, and is friendly and salutary to mankind. You next behold the gleaming Mars, whose influence is dreadful to mortals. The sun holds the next place, almost under the middle region ; he is the chief, the leader, and the director of all the other luminaries ; he is the soul and guide of the world, and so immense in his bulk that he illuminates and fills all other objects with his light. He is followed by the orbit of Venus, and that of Mercury, in the nature of attendants ; and the moon rolls in the lower sphere, enlightened by the rays of the sun. Below this every thing has a mortal transitory existence, excepting the souls of men, which are given them by the gods. Whatever lies above the moon is eternal. For the earth which is the ninth sphere, and is placed in the centre of the whole system, is immoveable and below all the rest ; and all bodies by their natural direction tend thither."

Recovering from the amazement with which all these objects struck me ; from whence said I proceed these sounds so strong,* and yet so sweet,

* *Sounds so strong, &c.* Nothing can appear more whimsical than this Pythagorean doctrine of the music of the spheres, if we take it in a literal sense ; but even Christian divines and sound philosophers have made use of it as an allegory to

that ravish my ears? “ The melody (replies he), which you hear, and which, though composed of unequal stops, is nevertheless made up of those due proportions that constitute harmony, is effected by the impulse and motion of the spheres themselves, which by a happy temper of sharp and grave notes, produces that regular variety of sounds. Now it is impossible that such prodigious movements should pass in silence; and we are instructed by nature, that the sounds which the spheres at one extremity utters must be sharp, and those on the other extremity must be grave. Therefore, that most capacious revolution of the star-stuck sphere being performed with a swifter motion, occasions a short and quick sound; whereas the moon which is situated the lowest, and at the other extremity, moves with a heavy sound. As to the earth, the ninth sphere, it takes up the centre of the world; and being immoveable, it for ever occupies the lowest station.

Now these eight directions, two of which, that of Mercury and that of Venus have the same powers, effect seven sounds differing in their modulations, which number comes very near to the principle which combines the whole. Some learned men by imitating this harmony in a

express the moral and natural economy of the world, which arises from so many principles seemingly contradictory in themselves.

concert of voices and instruments, have opened a way for their return to this place ; as all others have done, who, endued with generous qualities, have cultivated in their mansions of earth the arts of heaven.

These sounds are so strong that they have deafened the hearing of mankind, for of all your senses it is the most blunted. Thus, the people who live near the cataracts of the Nile, where that river rusheth down from very high mountains, are without the sense of hearing, so excessive is that noise. Now this sound, which is effected by the rapid rotation of the whole system of nature, is so powerful, that human hearing cannot comprehend it, in like manner as you cannot look directly upon the sun, because his rays are too intense for your sight and senses."

I continued still struck with admiration, and yet I could not help sometimes throwing my eyes upon the earth. "I perceive (said Africanus, observing this), that even now you are contemplating the seats and mansions of the human race. Observe, therefore, how comparatively small they appear ; fix your regard upon things above and despise those below. Let me ask you what enjoyment can you find in being the subject of popular applause ; or what is human glory, that it ought to be desired ? Look at the earth, how few, how narrow, are its peopled

spots, and what prodigious deserts are interposed between those specks that are inhabited ! As to the inhabitants themselves, their situations are at such impassable distances that it is next to impossible for them to have communication with one another. Part lie upon one side, part upon another, and part are diametrically opposite to you, and if such is the disposition of the earthly inhabitants, it is unreasonable surely to expect true glory from them.

You are now to observe that the same earth is encircled and encompassed by as it were four belts, of which the two that are most distant from one another, and seem as it were to bind the two extremities of the world, are covered as you see with frosts and snows, while the middle and the largest belt is burnt up with the heat of the sun. Two of those belts or zones are habitable ; and the feet of the inhabitants of the southern one are planted directly opposite to yours ; nor have they any communication with your empire. As to this more northerly zone which ye Romans inhabit, observe what a small portion of it falls to your share : for all that spot which is inhabited by you, which narrows towards the south and north,* but widens from

* *Which narrows towards the south and north, &c.] This is a very curious passage, and if our author's interpreters are to be believed, he was acquainted with the true figure of the earth, a discovery which is generally thought to have been re-*

east to west, is no other than a little island lying in that sea, which on earth you call the Atlantic, sometimes the great sea, and sometimes the ocean ; and yet with such a sounding name how diminutive does it now appear to you ! Now let me ask you whether you think it possible for your, or my, or any man's renown to move from those cultivated and inhabited spots of ground, and pass beyond that Caucasus or swim across yonder Ganges ? What inhabitant of the more eastern or the more western parts of the earth, of those tracts that run towards the south or towards the north, shall ever hear of your name ? Now supposing them cut off, how narrow is the scene over which your glory is to spread ? As to those who speak of you, how long will they speak ?

Let me even suppose that posterity shall be grateful enough to transmit your renown or mine, as they received it from their fathers, yet when we consider the convulsions and conflagrations that must necessarily happen in the course of things, we must be sensible that all the glory we can attain to, far from being eternal, cannot be lasting. Now of what consequence is it to you

served for Sir Isaac Newton, and to have been confirmed by some late experiments : but I own I am not without some doubts as to our author's meaning, whether he does not here speak, not of the whole face of the earth, but of that part of it which was possessed or conquered by the Romans.

to be talked of by those who are born after you, and not by those who were born before you, who certainly were as numerous and more virtuous; especially, as amongst the very men who are thus to celebrate our renown, not a single one is to be found who can recollect the transactions of the last year. For it is a mistaken notion in mankind to measure their year by the revolution of the sun which is no more than a single planet. But when all the planets shall return to the same position which they once had, and bring back after a long rotation the same face of the heavens, then the year may be said to be truly completed, a year which will contain I dare not venture to say how many. For, as formerly when the spirit of Romulus entered these temples the sun disappeared to mortals; thus whenever the sun at the same time, and with the same symptoms of the completion of the same revolution, shall again disappear, then you are to reckon the year to be complete. But I must acquaint you that the twentieth part of that year is not yet elapsed.

If therefore you hope to return to this place, which is the ultimate object of the wishes of all great and good men, how despicable then must you look upon that portion of popular glory that endures for a little, and but a very little, part of that year? If your thoughts, if your desires, are raised to this sublime object, to this mansion.

of happiness, to this eternity of bliss, you neither will devote yourself to the pursuit of popular applause, nor will you rest the hopes of your future condition upon human considerations. Genuine virtue has charms enough to allure you to true glory ; let others talk of you, for talk they will, as they think proper. But all such talk is confined to the narrow limits of those countries that you have now under your eye. No man ever engrossed it long ; when man dieth, it wasteth away ; and when posterity remembereth it not, it perisheth."

Perceiving that Africanus had done speaking : Since, O Africanus, replied I, the services we do to our country open to us as it were the gates of heaven, though from my childhood I have ever trod in your and my father's footsteps without disgracing your glory, yet the noble prize that is now set before me shall doubly animate me in my duty.

" Yes ! (replied my grandfather), you ought to redouble your efforts, and not to consider yourself, but your body, to be mortal. For your true existence consists not of that flesh and blood we see ; the real existence of man lies in his soul and not in his tangible body. Know therefore*

* *Know therefore.*] It was the common opinion of all the ancient philosophers who followed the system of Pythagoras, that the souls of men, and even of beasts, were portions of divinity. What opinion our author had of the

that you are a God. Since it is divinity that has consciousness, sensation, memory, and foresight, it is divinity that governs, regulates, and moves that body of yours, and that divinity is directed by the ruling God of this system; and in like manner as an eternal God guides this world, which in some respect is perishable, so an eternal spirit animates your frail body.

For that which is ever moving* is without beginning or end; now that which communicates to another object a motion which it received elsewhere, must necessarily cease to live as soon as its motion is at an end. Thus the being which communicates the motion is the only being that is eternal, because it never is abandoned by its own properties, neither is this self-motion ever at an end; nay, this is the fountain, this is the beginning of motion to all

properties and immortality of the soul is difficult to determine. For we are not to imagine that in the passage before us, and in many others in which he mentions the subject, he gives his own sentiments, but those of others; accordingly in his first book *De Natura Deorum*, he makes Velleius one of his prolocutors absolutely destroy the doctrine which is advanced here.

* *For that which is ever moving.*] All this doctrine is taken almost word for word from the Phædrus of Plato, and Macrobius has reduced it to the following syllogism. The soul is self-motive; now self-motion contains the principle of motion, the principle of motion is not created, therefore the soul is not created.

subjects that are capable of motion. Now there can be no fountain of a fountain, there can be no beginning of a beginning, for all things proceed from a beginning; therefore a beginning can rise from no other cause, for if it proceeded from another cause it would not be a beginning; where, therefore, there is no beginning there can be no ending; for supposing the beginning to be extinct, it is impossible for any other being to create it anew, or for it to produce any thing else, because it is necessary that all things should have a beginning. The principle of motion therefore can only exist in a self-motive being, and it is impossible that such a being should be born or that it should die, otherwise all heaven must go to wreck, and the whole system of nature must stop, and being deprived of that motion which it received from its first impulse, all its properties must cease.

Since therefore it is plain that whatever is self-motive must be eternal, who can deny the souls of men to be impressed with this property? For every thing that is moved by a foreign impulse is inanimated, but the soul of man has an inward and peculiar principle of motion, and in that consists its nature and property. Now if it is the only being that is self-motive, it must follow that it is uncreated and eternal. Do thou therefore employ it in the noblest of exercises, in the service of thy country. The soul that is warmed

with this, will fly the more quickly to this mansion which is its own home, and its flight will be the more expeditious, if, while it is imprisoned within the body it sallies abroad and detaches itself from its enclosure in contemplation of those objects that are without it ; for the souls of those men who are devoted to and enslaved by the pleasures of the body, and who becoming the servants of their prevailing lusts and self-gratifications, violate all laws of God and man ; such souls when they escape out of their bodies hover round the earth, nor are they readmitted to this place, till after a consummation of many ages." Africanus then departed and I awoke.

THE END OF SCIPIO'S VISION.

CICERO

UPON THE

DUTIES OF A MAGISTRATE.

ADDRESSED TO HIS BROTHER QUINTUS.

THOUGH I am convinced that before this letter can reach you, you have received intelligence both by couriers and by common report, as well as by other conveyances, that a third year is now added to my longing and to your labours; yet I think it proper for me likewise to inform you of this piece of bad news. For while every one else despaired of the success, I still, by repeated letters, gave you hopes that you would speedily have a dismissal from your government. This I did, not only that I might amuse you as long as possible with that pleasing expectation, but because I presumed that the strong interest made both by me and the prætors for that purpose, could not fail of success. Now as it has so happened that their interest and my

zeal have both proved ineffectual; the blow it is true is severe, but we ought never to suffer our minds which are employed in managing and supporting the arduous affairs of government to be crushed or dejected by misfortune. And because those misfortunes which men incur through their own faults ought most to afflict, there is in this transaction somewhat more afflicting to me than ought to be to you, for it happened by my misconduct contrary to your repeated instances while you was parting, and by letters since you have been gone, that your successor was not named last year. It is true, that I did this with a view of consulting the welfare of our allies, of crushing the presumptuousness of certain traders,* and of increasing my own glory through your virtues; yet still I acted imprudently, especially as the consequence was, as has happened, of a third year being added to that second.

Having thus frankly acknowledged my misconduct, let your prudent cares and generous deportment provide in your application a remedy for my mistake; and surely if you exert your-

* *Traders.*] Several complaints had been carried to Rome against Quintus, and Cicero thought that his brother remaining another year in his government might have stifled them. The reader is to observe that this government was the province of Asia Minor, one of the best the Romans had, and that a great many merchants resided there for the benefit of commerce.

self in all the duties of government so as to seem to vie not only with others but with yourself, if you call forth all your spirit, all your attention, all your thought, and all that love of glory, which is so powerfully prevalent in all transactions, believe me, that one year added to your toil will bring many years of pleasure, and transmit our renown to our posterity. The first thing therefore I have to recommend to you is, that you will not suffer your spirit to be damped or diminished, nor yourself to be overwhelmed, as with a flood, in a multitude of business ; but that on the contrary you will arouse yourself, that you will encounter it bravely, nay, provoke its approaches ; for that share of government which has fallen to your lot is not directed by fortune, but may be happily conducted by a man of sense and application. Had the prolongation of your command happened at a time when you was involved in the management of some great and dangerous war, then my very soul should have trembled within me, because I must have been sensible that the power of fortune over us was prolonged at the same time. But situated, as your province is at present, fortune seems to have little or nothing to do with it, and your success must be entirely directed by your own virtue and wisdom. If I mistake not, we are afraid of nothing from the treachery of enemies ; nothing from any revolt of our allies ;

nothing from want of money or scarcity of provisions, and nothing from the discontent of our army. Yet these often happen to the wisest of men, who are forced to yield to the assaults of fortune, as the best of pilots sometimes are to the violence of a tempest.

Your government is now in profound peace and perfect tranquillity ; but though those are circumstances that ought to give pleasure to a vigilant steersman, yet they may be fatal to a sleeping one. For your province is composed, first of that kind of allies, who of all the human race are the most humanized ; and in the next place of those Roman citizens, who either as farmers of the public revenues, are intimately connected with me, or as merchants who have got rich by trade, attribute all their wealth and all their enjoyments, to the happiness of my consulship. “ Yes ! But they are miserably divided amongst themselves ; they are perpetually harassing one another, and this gives rise to envy and animosities.” I am no stranger to that ; I am sensible that you have some business upon your hands, nay business that requires great wisdom, and great address to manage. But still you are to remember, and I maintain it, that this is to be managed by address more than by fortune. If you restrain yourself, how easy is it to restrain those you govern. Self-restraint is performed with great

pain, with great uneasiness by the generality of mankind; and it must be owned to be a matter of great difficulty; but the practice of it was ever easy to you; and well it might be, because uninstructed nature has formed your mind to moderation; while at the same time the acquisitions you have from learning, are such as are sufficient to correct the most violent extravagancies of nature. You check the temptations of money, of pleasure, and of ambition in every shape; can I then be brought to believe, that you can have any difficulty in checking an impudent trader, or a fleecing farmer of the public revenue? As to the Greeks, when they behold your life and conversation, I know they look upon you as one of their ancient patriots revived; nay, as a man that has been sent them from heaven as a blessing to their country.

I write to you in this strain, not to intimate that you ought to practise such virtues, but to give you joy of your having always practised them, and of your continuing so to do. What a glorious character is it for a man to be invested with three years' sovereign power in Asia, and yet preserve his integrity and moderation, inflexible against every temptation of statues, of pictures, of plate, of furniture, of slaves, of beauty, and of money, commodities in which this province abounds! Again, what can be a more distinguished, a more desirable circum-

stance, than that this virtue, this moderation, this purity of mind should not be buried or concealed in darkness, but displayed in the sight of Asia, to the eyes of the noblest of our provinces, while its fame reaches to the ears of all people and nations. How glorious is it for you, that those you govern are not alarmed at your journeys ! That they are not fleeced by your expenses ! That they are not frightened by your approach ! That transports of joy, both public and private, attend wherever you go ! That every town receives you as its guardian, not as its tyrant ! Every house as a guest, and not as a robber !

But while I am upon this subject, experience by this time must have instructed you, that it is not sufficient for you alone to practise these virtues, but you are to give careful attention, that invested as you are with this government, not only you, but all officers subordinate to your authority, are to act for the good of our allies, of our fellow-citizens, and of our country. You have, it is true, deputies and lieutenants under you, who will do honour to the offices they bear ; and of these the chief in preferment, in dignity, and in experience, is Tubero, who I make no doubt, especially while he is writing his history, will be able to choose from his own annals such models of conduct, as he both can and will imitate. As to Allienus, he is firmly

attached to us in affection and inclination, and he forms his manners by ours. Need I to mention Gratidius, who I know for a certainty to love us both as we were his brothers, and to make his regard for our character and reputation as dear to him as his own. It was chance, and not choice, that gave you your *quæstor*,* and I make no doubt of his voluntary moderation, and of his conforming himself to your orders and directions.

Should any of your officers appear of a more selfish disposition, my counsel is, that you bear with him, while the consequences of his offences reach no farther than his own person, but to check him when he prostitutes for interest that power which you have annexed to his office. In the meanwhile as we live in an age at once so indulgent and so aspiring, I would not have you to scrutinize too narrowly into every piece of mismanagement, or to probe every offence to the quick; but to proportion the trust you repose in every one, according to the degree of honesty he possesses. In like manner you are to treat those whom our government has given you as assessors and assistants, provided you become answerable for their conduct,

* *Quæstor*.] This officer had the charge of the public money, and it was determined by lot in what province he should serve. He likewise paid the soldiers, and acted as contractor for the army.

only under the restrictions which I have already laid down.

As to your menial servants, or the officers attending your person, as the guards do the prætor, you are answerable not only for all their actions, but for all their sayings. I know, however, that you have about your person a choice of worthy men, and should others act any way inconsistent with your character, they can easily be checked. Meanwhile it is natural to suppose, that while you was unpractised in the affairs of government, they might have abused your generosity; for the more virtuous any man is in himself, he is the less apt to suspect villany in another.

As you are now entered into the third year of your government, practise the same integrity, but with still greater circumspection and exactitude, that you practised the two former years. Let all the world see that your ears are open to manly and honest advice, without being the receptacles of false and malicious whispers, insinuations, and complaints. Suffer not your seal* to be used as a common bit of furniture,

* *Suffer not your seal.*] Orig. *Sit annulus tuus not ut vas aliquod, sed tamquam ipse tu : Non minister alienæ voluntatis, sed testis tuæ.* It may be proper to tell some of our readers, that the Romans generally wore their seals in the stones of their rings. Verburgius has a very ingenious note upon this passage: for instead of *vas aliquod*, which all editions but his own have, he reads *vas aliquis*, and then the sense will be,

but consider it as your very self; let it not be the tool of another's pleasure, but the evidence of your own. Let your pursuivant keep the rank assigned to him by our ancestors, who looked upon that office, not as a post of pleasure, but of labour and service, and were cautious of intrusting it to any but freed men, over whom they exercised pretty much the same command, as they did over their slaves. Let the lictor in punishing, express your lenity rather than his own, and let him wear his axe and his rods as the evidences rather of his post than of his power.

In short, let all the province be sensible how dearly you prize the welfare, the children, the fame, and the fortunes of all who are under your command. Let the public be convinced, that in all cases which shall come to your knowledge, you are equally the enemy of the man who gives, as of him who receives a present; for no such presents will be made, when once the people are convinced, that they who pretend to have the greatest interest with you, have really not at all.

Now you are not to imagine, that by writing to you in the manner I do, I would have you

“ Use not your ring as a surety for an appearance.” But this reading being supported only by conjecture, and the other making as good, if not better sense, I have retained the usual reading.

treat your dependants in a severe or suspicious manner. For if any of them have kept themselves clear for two years of all suspicion of avarice, as I hear Cæsius, Chærippus, and Labeo, have done, and I believe it because I know them well ; I say, where that happens to be the case, I see no reason why you may not very properly commit to them, and men of their character, any trust or charge whatsoever. But if there is a man, whom you have already cause to suspect, or whom you have already caught tripping, never intrust him with any part either of your power or your confidence. But if within your province you have got any person whom you are intimately familiar with, and who is unknown to me, you are to examine how far you ought to trust him. Not but that I believe there are many worthy men amongst the provincials ; at least I hope so, for it is dangerous to prove them. For every man is dressed out in false colours. His nature, his brows, his eyes, and very often his countenance belie him, but his speech is a perpetual lie.

Amongst the Romans settled in your province, a set of men devoted to the love of money, and without any one inherent principle of virtue, where can you find one who will sincerely love you, a mere stranger to them, and who will not treat you, from interested views, with mere outside professions ? If you did, to me it would

seem very extraordinary, especially as those very men pay seldom any regard to any private man, while they are always pretending the greatest for the prætors. However, if amongst such kind of men you should find one (for the thing is not impossible), who shall give you convincing proofs that he loves you more than he does his own interest, I advise you by all manner of means to treasure up such a man in your heart; but if no such man is to be found, you are then to guard with particular caution against the whole set; because they know all the arts of getting money, they do nothing but for money, and they are indifferent about any man, who they know is soon to leave them.

With regard to the natives of your province, who are Greeks, you are to be very cautious how far you carry your connexions with them, unless you find amongst them here and there a man worthy of ancient Greece. For take my word for it, in general they are deceitful and treacherous, and trained up by perpetual subjection, in the arts of sycophantry. Meanwhile I would be civil to them, nay the most eminent of them I would entertain and treat with friendship. But avoid all intimacys with them, for though they dare not fly in the face of a Roman magistrate, yet at the bottom they hate not only us, but their own countrymen.

I am afraid that in the matters I have already

touched upon, you may think me too severe, while all my meaning is to be guarded and circumspect. Now what do you think of my sentiment with regard to slaves; a set of men who ought to be under the strictest command in all places, but especially in the provinces? Upon this head I could say a great deal; but the shortest and the plainest method I can recommend, is for your slaves, in all your Asiatic journeys to behave so, as if you were travelling over the Appian way; and that they think there is not the least difference whether they enter Tralle* or Formia.† But if any of your slaves should distinguish himself by his fidelity, let him be employed in your domestic and private affairs, but not let him have the smallest thing to do with any public concern, or any thing relating to the business of your government. For though we may very properly intrust the management of many affairs to our faithful slaves, yet we are not to do it, because of the censure and reflections which it might occasion.

But I know not how I have deviated from the purpose I set out with, and have slid into a dictating strain, and that too to a man whose knowledge in all matters of this kind is not less than mine, and his experience greater; but I thought it would give you a pleasure, if your

* A city in the extremity of Asia.

† A city in the heart of Italy.

conduct should have the sanction of my authority. Now your public character ought to rest upon the following particulars. In the first place, your own integrity and moderation ; in the next place, the modest behaviour of all who are about you, joined to a very cautious and circumspect choice of your acquaintance, whether they be provincials or Greeks ; and add to this, a decent constant regularity in your domestic economy. All those particulars are commendable in our private concerns and daily practice, but they must appear divine in a man clothed as you are with great power, and at the head of a province filled with corruption and degeneracy of manners.

Such is the plan, such are the regulations, that in all your resolutions, and all your decrees, will be sufficient to support that severity which you exercised in those matters, that to my great pleasure, brought both of us into enmity with certain persons ; for sure you cannot imagine that the complaints of the fellow, one Paconius, who has not the merit of being ever a Greek, but is some Mysian, nay some Phrygian rascal, made any impression upon me ; or that I was moved by the vociferations of Tuscenius, that frantic mean-spirited wretch, from whose polluted maw you so equitably rescued a dishonest prey. I repeat it again, that it will be no easy matter for us to act up to those and the other

instances of severity which you have practised in your government, without a constant perseverance in the most untainted integrity.

You ought therefore to be inflexible in your judicial capacity, provided it never is warped by favour, but remains steady and even. It is however of no great consequence that you in your person are impartial and circumspect in your decisions, unless you are imitated by those to whom you have delegated some part of your power as a magistrate. Now in my opinion, at least the government of Asia, affords no great variety of business, and the whole of it is chiefly employed in the exercise of judicial powers, the discharge of which especially in provinces, is attended with no great difficulty. They must indeed be exercised with resolution and with a severity that is above all partiality, nay above all suspicion of it. To this must be added affability in hearing, deliberation in examining,* and accuracy† in explaining and enforcing your opinion.

* *Deliberation in examining.*] Orig. *Lenitas in decernendo*. The whole of this is a very fine passage, but the expression before us may very easily be misunderstood. *Decernere* with Cicero, as a term of law, never signifies to decree or pass sentence, but to examine and to weigh the circumstances upon which it is to be grounded. Neither does *Lenitas* properly signify what we call gentleness or lenity, but that calm dispassionate manner in which such an examination or inquiry ought to be conducted.

† *Accuracy.*] Orig. *In satisfaciendo ac disputando Dili-*

By a conduct like this Octavius* lately rendered himself universally agreeable. His was the first tribunal,† before which the lictor had nothing to do, and the crier had nothing to say ; for every one spoke when he pleased and as long as he pleased. This perhaps was carrying his gentleness too far ; but we are to remember that this gentleness was the warrant‡ of that inflex-

gentia. I am not quite sure if I have translated this difficult passage rightly. I have the authority of Hottoman, an excellent Latinist, as well as Civilian, on my side, for the sense in which I have translated *satisfaciendo* and *disputando* ; and that great man gives us instances both from our author and from Livy, of judges who deigned to argue with the parties in a suit before them, that they might give them satisfaction as to the rectitude of their decrees. But I suspect the meaning of the word *Diligentia* has not been attended to, for with our author it not only signifies diligence, application, and accuracy, but an observation of propriety which gives this passage a beautiful turn ; for in that sense Cicero advises his brother to be very careful not to prostitute the dignity of his character as a judge, by entering upon all occasions into altercations and explanations with the parties before him, and never to do it but with the utmost regard to the propriety of such a condescension.

* *Octavius*] He was father to Augustus Cæsar, and had been about this time governor of Macedonia.

† *First tribunal.*] The common reading of the original here is *apud quem primus lictor quievit*, &c. but I think the reading recommended by Malespina, of *primum* instead of *primus*, is more elegant.

‡ *Warrant.*] Orig. *Nisi hæc lenitas illam severitatem tueretur.*

ibility which was one part of his character, for he obliged Sylla's party in his province to restore what they had violently and forcibly seized. Such of the magistrates as had been guilty of injustice were reduced to private stations, and made to suffer the penalties they had inflicted. Now this severity would have looked like cruelty had it not been tempered with great seasonings of humanity.

If this gentleness is agreeable at Rome, where reigns so much arrogance, such unbounded liberty, such unrestrained licentiousness, such numerous magistracys, where auxiliaries are so numerous, where power is so irresistible, and where the senate is so absolute, how agreeable must the affability of a prætor be in Asia, where such numbers of our countrymen and allies, where so many cities and so many states are observant of one man's nod? Where they have no resource, no tribunal, no senate, and no assembly of the people to apply to? It belongs therefore to the character of a great man, of a man humane by nature, and that nature improved by learning, and the study of the noblest arts, so to employ his great power as to take from those he governs all desire to live under any other government.

The great Cyrus is represented by the philosopher Xenophon (not according to the truth of history, but that in his conduct we may have

the idea of right government) as joining the greatest firmness to the sweetest manners. It is no wonder indeed that our countryman, Scipio Africanus, was continually reading his works, for in them he omits no duty of active well tempered government ; and if Cyrus, who could never be reduced to a private station, was so diligent in the discharge of those duties, what ought a man to be who must give back the power which he receives, and who must return to be judged by those laws from whence his authority was derived ?

Now in my opinion, the ultimate end of government is to render its subjects as happy as possible ; and constant report, and the acknowledgment of all you have had to do with, have done you that public justice, as to say that this is your favourite view, and has been so ever since you first landed in Asia. Let me go farther, and observe that it is the duty not only of those who govern the allies and the subjects of Rome, but of those who have the care of slaves and cattle, to contribute to the happiness of all committed to their charge. In this respect I perceive it is universally allowed that your conduct has been irreproachable ; that the states of your government have been loaded with no new debts ; that you have discharged many old ones with which many of the cities were burdened and oppressed ; that you have repaired many ruinous

and almost abandoned towns ; amongst others Samus, the capital of Ionia, and Halicarnassus, the capital of Caria ; that your towns of strength are free from all the spirit of mutiny and discontent ; that by your cares the several districts of your government are governed by men of worth ; that you have suppressed rapine in Mysia, and bloodshed in many places ; that you have established peace all over your government ; that you have chased thieves and robbers, not only from the highways and country places, but from towns and temples, where they were more numerous and more dangerous ; that calumny, the merciless tool to the avarice of prætors, no longer attacks the reputation, the fortunes, and the retirement of the rich ; that taxations are equally raised upon the inhabitants of the several states who pay them ; that in your person you are extremely easy of access ; that your ears are shut to no man's complaint ; that the poor and the helpless always find admittance not only to your public audiences and tribunals, but even to your house and your bed-chamber ; and that in short, in the whole of your government nothing appears that is spiteful, nothing that is merciless, but that it is filled with clemency, gentleness, and humanity.

How important was the public service you performed when you freed Asia from the unjust burdensome tax imposed upon them by the

ædiles,* though you thereby have raised us powerful enemies; for if one man of quality publicly complains that you have deprived him of almost £100,000. by prohibiting him from collecting the tax for public exhibitions, what vast sums must have been raised, had the custom continued for raising money for the use of every ædile who exhibited public shows at Rome. I fell however upon a method to stifle the complaints of this kind with regard to my province, and it is a method that however it may be relished in Asia, is highly applauded at Rome. For when the states of my government had voted a sum of money for building a temple and for erecting a monument to me, and when on account of my great deserts and your extraordinary services, they did it voluntarily and cheerfully, and though the law has expressly provided "That governors may receive money for erecting a temple or a monument," nay, though the money of this grant was not to be appropriated to any perishable purpose, but to be laid out upon the ornaments of a temple that was to appear to

* *Ædiles.*] The whole of this paragraph is to be understood as I have translated it, though some have so egregiously mistaken it, as to imagine that those ædiles imposed those taxes upon the diversions that were exhibited in the provinces; when the truth is, that the provinces were taxed for the diversions that were exhibited at Rome, the expense of which ought to have been defrayed by the magistrates who exhibited them.

future times, not more a compliment to me than a present to the people of Rome and to the immortal gods ; and yet I thought proper to reject the offer, though warranted by dignity, by law, and by the affections of those who made it ; and this I did for this reason amongst others, to take all cause of complaint from those magistrates who levy money against justice and against law.

Apply yourself therefore with all you spirit and all your zeal to that plan which you have already practised, that of loving the people which your country has committed to your care and protection ; and pursue every measure that can prove you to intend their prosperity and happiness as the end of your government.

But if fortune had set you over the Africans, the Spaniards, or the Gauls, those fierce barbarous nations, yet still your humanity would have induced you to have studied their interests, and to have promoted their advantage and welfare. But when we govern a set of men that are not only of themselves humanized, but have been the means of humanizing others, it surely is our duty to repay them what we have received from them. For as I am in that way of life and in those circumstances that never can fall under any suspicion of indolence or unsteadiness, I am not at all ashamed to acknowledge that all the improvement I have made in learning and in

the arts, is owing to what I have studied of the writings and compositions of the Greeks. Therefore besides the common faith which we owe to all mankind, there seems to be a tie upon us to have a particular regard for this race, and to repay to those who were our masters in the arts of life, the virtues which they taught us. Plato, that philosopher so distinguished by his genius and learning, thought that governments would be happy if they either fell into the hands of wise and learned men, or if the governors would apply themselves wholly to the study of learning and wisdom : meaning that this union of power and wisdom must be salutary to that state in which it happened. This may possibly some time or other be the case of our whole empire ; but at present it is the case of one province, that he who governs it has been engaged from his childhood in a constant pursuit of learning, of virtue, and humanity.

Take care, therefore, my Quintus that this year which is added to your government prove to be a year that is added to the welfare of Asia ; and because Asia has been more successful in detaining you than I was in procuring your recall, do you behave so as that my langour may receive some mitigation from the joy of the province. For if you have so indefatigably applied yourself to deserve greater honours than perhaps ever man did, your application ought to be re-

doubled in your endeavours to maintain them. I have already given you my sentiments concerning that kind of honours. I have always been of opinion, that if they are prostituted, they are mean ; if bestowed to serve a purpose, they are contemptible ; but if, as is your case, they are the rewards of merit, I think you cannot bestow too much pains upon their preservation.

As, therefore, you are invested with the highest command and power in those cities where you see your virtues are consecrated and deified, you are in all your transactions, in all your resolutions, in all your business, and all your behaviour, never to lose remembrance of what you owe to the opinions and judgments of men who are prepossessed so strongly in your favour. The result of this will be, that you will provide for all, that you will remedy their inconveniencies, and be so careful of their welfare that you will both be called and esteemed the common parent of Asia.

I make no doubt but the farmers of the revenue will throw a great bar upon your zeal and assiduity. If I should oppose them, I must separate from myself and from the public, an order of men to whom I am under the strongest obligations, and who, by me were attached to the service of our government. If on the other hand we should indulge them in every respect, we must wink at the utter destruction of those

men, whose welfare, nay whose convenience, we are bound to consult. To say the truth, this is the difficulty in all your administration. For integrity, self-denial as to all inordinate affections, the regular economy of your family, the impartial distribution of justice, your readiness in hearing causes, and your easiness of access to all who address you in person, are virtues more glorious than difficult in the practice; for they consist not in tiresome application, but in the turn of the mind and the affections.

Now that I am speaking of the farmers of the revenue, we had a proof how very oppressive they were to our allies in those cities, who when the tolls of Italy were lately abolished, complained not so much of the heaviness of the tolls as of the insolence of the toll-gatherers. This makes me sensible of the hardships which our allies in remote countries must suffer, when I hear such complaints from our fellow-citizens in Italy. It will therefore require a divine, that is your virtue in this situation of things, to keep upon your side the farmers of the public revenue, especially such of them as have taken their farms at an excessive rent, and at the same time not to suffer our allies to be ruined.

But in the first place as to the Greeks, the hardship which they most bitterly complain of, that of their being taxed, is in my opinion no great hardship, because by their own con-

stitutions, before they became subjects of the Roman empire, they always taxed themselves. As to the name of a farmer of the revenue, the Greeks ought not to hold it in such contempt, because without their assistance they could not have paid the capitation-tax imposed upon them by Sylla. Now the Caunians some time ago, who inhabit the islands that were annexed by Sylla to the division of Rhodes, petitioned the senate that they might pay their taxes to our farmers, rather than to the Rhodians, which to me is a plain proof that the Greeks are fully as severe as our farmers are, in the collection of the public revenue. They therefore who always have been taxed, ought not to hold the name of a tax-gatherer with horror; nor ought they to despise him, without whom they cannot pay their taxes; nor ought they who have petitioned for him to reject him. The Asiatics ought at the same time to reflect, that were they not under our government, they must perpetually be suffering every calamity of foreign war and domestic dissension. Now government cannot be supported without taxes, and therefore they ought cheerfully to pay to the public some part of their incomes, in consideration of the uninterrupted peace and tranquillity they enjoy. When once they come to endure with patience the profession and name of a farmer of the revenue, your prudent measures and conduct

will reconcile them the better to other considerations. They will come not to reflect so much upon the rigour of the censors in letting out the farms of the public revenue, but rather upon the advantages they enjoy in following their business, and their being freed from all kind of molestations. You can likewise continue what you have always so nobly and so successfully endeavoured to put them in mind how much dignity there is in the office of a farmer of the revenue, and how much we owe to that order. By those means, without calling in the assistance of power, and without the terrors of the fasces, you will bring the publicans into favour and credit with the Greeks. You may even go so far as to entreat those whom you have so highly obliged, and who owe their all to you, that by their compliance they will suffer us to cherish and continue those intimate connexions that subsist between us and the farmers of the revenue.

But why do I exhort you to those measures which you are so well disposed to pursue, though I did not recommend them; and which in a great degree you already have happily executed. For the most honourable and considerable bodies of our empire are daily paying their compliments to me, which are the more agreeable, because the Greeks do the same. Now it is a matter of great difficulty to reconcile

to one another the affections of men, whose interests, whose advantages, and whose natures I had almost said, are repugnant. But what I have here written, I have written not for your instruction (for wisdom such as yours, stands in need of no instructor), but I am charmed with the exercise of writing, when your virtue is the subject. This letter, however, has run to a greater length than I designed it should.

There is one thing which I must incessantly recommend to you, for if I can help it, your glory shall be without the smallest speck of blemish. All the Asiatics who come to Rome, while they praise your virtue, your integrity, and your humanity, even in their greatest raptures, they still blame you for being so choleric as you are. This is a vice, which in private and common life indicates a slightness and weakness of temper; but when a passionate behaviour is joined to sovereign power, nothing can be more unamiable or monstrous. I shall not, however, endeavour to give you the sentiments of learned men, concerning the passion of anger, both because I want to finish this letter, and because you can easily learn them from their writings, which are very numerous. It is, notwithstanding, the duty of a correspondent, and therefore I think it my indispensable duty to inform the person to whom he writes of whatever he is ignorant of. Now I am

told almost by every body, that when you are free from choler, you are the most amiable man in the world ; but when you are worked up into a passion by the impudence or perverseness of another, you are under such violent agitations, that no man can think you had ever been possessed of humanity.

As therefore ambition, interest, and fortune, have concurred to lead us into that walk of life, by which we become the perpetual subject of conversation amongst mankind, we ought to do and to strive all we can, that mankind may not have it to say, that we are guilty of any signal failing. It is true, such is the nature of mankind, especially those of our years, that it is very difficult for a man to alter his disposition, or suddenly to pluck out a failing that has settled into a habit ; I therefore do not insist upon that. But my advice to you is this, if passion gets the start of reason, and takes possession of your temper, before reason could shut it out, so that it is impossible for you to discard it, you should undergo a course of preparation, and be every day meditating upon the means of resisting the attacks of passion, and the more violent they are, the more you ought to set a watch upon your lips, that you offend not with your tongue. This in my opinion, is as exalted a proof of virtue, as it is not to be angry at all, because the latter virtue may proceed from phlegm, as well

as from philosophy. But when you are touched with anger, to be guarded both in your actions and expressions, even to hold your peace, and to repress every extravagance, and every anguish of mind ; these are the properties, I will not say of consummate wisdom, but of extraordinary understanding.

I am however informed, that in this respect you are become much more pliable and gentle. I now hear nothing of your violent emotions of passion, of your imprecating expressions, and opprobrious behaviour, all which are as repugnant to authority and dignity, as they are reproachful to learning and good breeding. For those sallies of anger which are not appeasable, carry with them an excess of cruelty ; those which are, an excess of weakness ; the latter, however, are more eligible than the former.

That the first year of your government gave rise to a great deal of talk upon this subject might be owing to your unexpectedly encountering intolerable injustice, avarice, and insolence in those you had to deal with. As to the second year, you was then much gentler, and more patient, and that reformation was effected by your being better used to those ways, by your reasoning with yourself, and if I mistake not, by my letters. Now your third year ought to admit of such amendment, as to be liable to no manner of reproach upon that account.

While I am upon this subject, I address you in the terms neither of exhortation nor command, but of brotherly entreaty, that you employ your whole abilities, care, and concern, in meriting a good opinion from all men in all quarters. Did not our situation expose us to being the subject of public conversation and discourse, in an uncommon degree, nothing would be required of you beyond the ordinary and common practice of life. But placed as we are, in the strongest and the brightest point of light, on account of the employments we fill, it will be difficult for us not to incur the highest ignominy, unless we acquit ourselves with the highest glory. We are so situated, that all good men are our friends, but they require and expect in return from us, application and virtue in their most extensive sense; in the meanwhile all the reprobate part of mankind, because with them we have declared eternal war, will make a handle of the very smallest circumstance to our prejudice.

Asia is the theatre that has been assigned you for the display of your virtues, a theatre where the spectators are celebrated by fame,* flourishing in power, and distinguished by discernment, but naturally so noisy that the expressions of

* *Celebrated by fame.*] Orig. *Celebritate refertissimum*. Notwithstanding the sense in which I have translated this expression, it may have another meaning, viz. a place filled by a resort of company.

their censure or applause reach even to Rome ; as this I say is the case, I beg that you will exert your utmost powers to appear by your merits not only to have equalled, but to have more than equalled this glorious destination, and as chance has fixed my share of the public administration in Rome, and yours in Asia, while I yield to none in my conduct, do you excel all in yours.

You are likewise, my brother, to reflect, that we are not now labouring for a glory, that is in expectation and reversion ; but we are struggling to preserve what is actually in our possession, a glory that we had not so much reason to covet, as we have interest to preserve. Believe me, had I any interest that is distinct from yours, I could desire nothing more than that situation of life in which I am now placed ; but as the case is, that unless all your words and actions are answerable to my conduct here, I shall think that I have lost the fruit of all the mighty toils and dangers I have undergone, in all which you was a sharer. Now if you was the chief fellow-labourer, I had in working my way to this high degree of honour I now possess, you ought to be my principal assistant in maintaining it.

You are not to regard the opinion and the judgment of the age we live in, but you ought to have an eye to futurity, whose verdict will be the more just, as it will be free from detraction and malevolence. In the next place, you are to

reflect, that the glory you pursue does not terminate in your own person ; nay if it did, you would not be indifferent about it, especially as you have thought proper to consecrate the memory of your name by the noblest evidences of glory, but you are to share it with me, and it is to descend to our posterity. You are therefore to be the more cautious, for by inattention you may not only appear to have injured yourself, but to have defrauded your children of their due.

This I throw out, not that my words may rouse you from the slumber, but that they may encourage you in the race of glory; for you are incessantly persevering to merit the applause of all, for your equity, your moderation, your inflexibility, and your integrity. But so unbounded is my affection for you, that I am possessed with an insatiable passion for your glory. In the meanwhile I am of opinion, that as you are now as well acquainted with Asia, as any man is with his own house ; and as great experience has been added to your great wisdom, there is nothing that pertains to glory, of which you are not fully sensible, and which does not daily occur to you, without being exhorted to it by any one. But I who, when I read your letters, think I hear you, and when I write to you, think I converse with you, the longer your letters are, they give me the more pleasure,

and for the same reason I make mine longer likewise.

I shall conclude with exhorting and entreating you, that in imitation of good poets and skilful actors, you will redouble your attention, while you are going through the catastrophe and the winding up of your piece; that this last year of your government, like the last act of a play, may appear to the greatest perfection, and with the greatest lustre. This you may easily do, if you think that I, whom singly you have endeavoured to please more than all the world besides, take an interest in all that you do or say. Lastly, I entreat you, as you value my welfare, and that of all your friends, that you will take particular care of your own health.

FINIS.

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